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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

# H. RES.

Providing for the concurrence by the House in the Senate amendments to  
H.R. 636, with amendments.

## IN THE HOUSE OF REPRESENTATIVES

Mr. SHUSTER (for himself and Mr. DEFazio) submitted the following resolution;  
which was referred to the Committee on

# RESOLUTION

Providing for the concurrence by the House in the Senate  
amendments to H.R. 636, with amendments.

1       *Resolved*, That upon the adoption of this resolution  
2 the House shall be considered to have taken from the  
3 Speaker's table the bill, H.R. 636, with the Senate amend-  
4 ments thereto, and to have concurred in the Senate  
5 amendments with the following amendments:

6               In lieu of the matter proposed to be inserted by  
7 the amendment of the Senate to the text of the bill,  
8 insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “FAA Extension, Safety, and Security Act of 2016”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Appropriate committees of Congress defined.

**TITLE I—FAA EXTENSION**

**Subtitle A—Airport and Airway Programs**

- Sec. 1101. Extension of airport improvement program.  
Sec. 1102. Extension of expiring authorities.  
Sec. 1103. Federal Aviation Administration operations.  
Sec. 1104. Air navigation facilities and equipment.  
Sec. 1105. Research, engineering, and development.  
Sec. 1106. Funding for aviation programs.  
Sec. 1107. Essential air service.

**Subtitle B—Revenue Provisions**

- Sec. 1201. Expenditure authority from Airport and Airway Trust Fund.  
Sec. 1202. Extension of taxes funding Airport and Airway Trust Fund.

**TITLE II—AVIATION SAFETY CRITICAL REFORMS**

**Subtitle A—Safety**

- Sec. 2101. Pilot records database deadline.  
Sec. 2102. Cockpit automation management.  
Sec. 2103. Enhanced mental health screening for pilots.  
Sec. 2104. Laser pointer incidents.  
Sec. 2105. Crash-resistant fuel systems.  
Sec. 2106. Hiring of air traffic controllers.  
Sec. 2107. Training policies regarding assistance for persons with disabilities.  
Sec. 2108. Air travel accessibility.  
Sec. 2109. Additional certification resources.  
Sec. 2110. Tower marking.  
Sec. 2111. Aviation cybersecurity.  
Sec. 2112. Repair stations located outside United States.  
Sec. 2113. Enhanced training for flight attendants.

**Subtitle B—UAS Safety**

- Sec. 2201. Definitions.  
Sec. 2202. Identification standards.  
Sec. 2203. Safety statements.  
Sec. 2204. Facilitating interagency cooperation for unmanned aircraft author-  
ization in support of firefighting operations and utility restora-  
tion.

- Sec. 2205. Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft.
- Sec. 2206. Pilot project for airport safety and airspace hazard mitigation.
- Sec. 2207. Emergency exemption process.
- Sec. 2208. Unmanned aircraft systems traffic management.
- Sec. 2209. Applications for designation.
- Sec. 2210. Operations associated with critical infrastructure.
- Sec. 2211. Unmanned aircraft systems research and development roadmap.
- Sec. 2212. Unmanned aircraft systems-manned aircraft collision research.
- Sec. 2213. Probabilistic metrics research and development study.

#### Subtitle C—Time Sensitive Aviation Reforms

- Sec. 2301. Small airport relief for safety projects.
- Sec. 2302. Use of revenues at previously associated airport.
- Sec. 2303. Working group on improving air service to small communities.
- Sec. 2304. Computation of basic annuity for certain air traffic controllers.
- Sec. 2305. Refunds for delayed baggage.
- Sec. 2306. Contract weather observers.
- Sec. 2307. Medical certification of certain small aircraft pilots.
- Sec. 2308. Tarmac delays.
- Sec. 2309. Family seating.

### TITLE III—AVIATION SECURITY

- Sec. 3001. Short title.
- Sec. 3002. Definitions.

#### Subtitle A—TSA PreCheck Expansion

- Sec. 3101. PreCheck program authorization.
- Sec. 3102. PreCheck program enrollment expansion.

#### Subtitle B—Securing Aviation From Foreign Entry Points and Guarding Airports Through Enhanced Security

- Sec. 3201. Last point of departure airport security assessment.
- Sec. 3202. Security coordination enhancement plan.
- Sec. 3203. Workforce assessment.
- Sec. 3204. Donation of screening equipment to protect the United States.
- Sec. 3205. National cargo security program.
- Sec. 3206. International training and capacity development.

#### Subtitle C—Checkpoint Optimization and Efficiency

- Sec. 3301. Sense of Congress.
- Sec. 3302. Enhanced staffing allocation model.
- Sec. 3303. Effective utilization of staffing resources.
- Sec. 3304. TSA staffing and resource allocation.
- Sec. 3305. Aviation security stakeholders defined.
- Sec. 3306. Rule of construction.

#### Subtitle D—Aviation Security Enhancement and Oversight

- Sec. 3401. Definitions.
- Sec. 3402. Threat assessment.
- Sec. 3403. Oversight.
- Sec. 3404. Credentials.

- Sec. 3405. Vetting.
- Sec. 3406. Metrics.
- Sec. 3407. Inspections and assessments.
- Sec. 3408. Covert testing.
- Sec. 3409. Security directives.
- Sec. 3410. Implementation report.
- Sec. 3411. Miscellaneous amendments.

#### Subtitle E—Checkpoints of the Future

- Sec. 3501. Checkpoints of the future.
- Sec. 3502. Pilot program for increased efficiency and security at Category X airports.
- Sec. 3503. Pilot program for the development and testing of prototypes for airport security systems.
- Sec. 3504. Report required.
- Sec. 3505. Funding.
- Sec. 3506. Acceptance and provision of resources by the Transportation Security Administration.

#### Subtitle F—Miscellaneous Provisions

- Sec. 3601. Visible deterrent.
- Sec. 3602. Law enforcement training for mass casualty and active shooter incidents.
- Sec. 3603. Assistance to airports and surface transportation systems.

1 **SEC. 2. APPROPRIATE COMMITTEES OF CONGRESS DE-**  
2 **FINED.**

3 In this Act, unless expressly provided otherwise, the  
4 term “appropriate committees of Congress” means the  
5 Committee on Commerce, Science, and Transportation of  
6 the Senate and the Committee on Transportation and In-  
7 frastructure of the House of Representatives.

8 **TITLE I—FAA EXTENSION**  
9 **Subtitle A—Airport and Airway**  
10 **Programs**

11 **SEC. 1101. EXTENSION OF AIRPORT IMPROVEMENT PRO-**  
12 **GRAM.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
14 48103(a) of title 49, United States Code, is amended by

1 striking “fiscal years 2012 through 2015” and all that  
2 follows through the period at the end and inserting “fiscal  
3 years 2012 through 2017.”.

4 (b) PROJECT GRANT AUTHORITY.—Section 47104(c)  
5 of title 49, United States Code, is amended in the matter  
6 preceding paragraph (1) by striking “July 15, 2016,” and  
7 inserting “September 30, 2017,”.

8 **SEC. 1102. EXTENSION OF EXPIRING AUTHORITIES.**

9 (a) Section 47107(r)(3) of title 49, United States  
10 Code, is amended by striking “July 16, 2016” and insert-  
11 ing “October 1, 2017”.

12 (b) Section 47115(j) of title 49, United States Code,  
13 is amended by striking “fiscal years 2012 through 2015”  
14 and all that follows through “July 15, 2016,” and insert-  
15 ing “fiscal years 2012 through 2017,”.

16 (c) Section 47124(b)(3)(E) of title 49, United States  
17 Code, is amended by striking “fiscal years 2012 through  
18 2015” and all that follows through “July 15, 2016,” and  
19 inserting “fiscal years 2012 through 2017”.

20 (d) Section 47141(f) of title 49, United States Code,  
21 is amended by striking “July 15, 2016” and inserting  
22 “September 30, 2017”.

23 (e) Section 41743(e)(2) of title 49, United States  
24 Code, is amended by striking “2015” and inserting  
25 “2017”.

1       (f) Section 186(d) of the Vision 100—Century of  
2 Aviation Reauthorization Act (117 Stat. 2518) is amended  
3 by striking “fiscal years 2012 through 2015” and all that  
4 follows through “July 15, 2016,” and inserting “fiscal  
5 years 2012 through 2017”.

6       (g) Section 409(d) of the Vision 100—Century of  
7 Aviation Reauthorization Act (49 U.S.C. 41731 note) is  
8 amended by striking “July 15, 2016” and inserting “Sep-  
9 tember 30, 2017”.

10       (h) Section 140(c)(1) of the FAA Modernization and  
11 Reform Act of 2012 (126 Stat. 28) is amended—

12               (1) by striking “fiscal years 2013 through  
13 2016,” and inserting “fiscal years 2013 through  
14 2017,”; and

15               (2) by inserting before the period at the end the  
16 following: “or an extension of this Act”.

17       (i) Section 332(c)(1) of the FAA Modernization and  
18 Reform Act of 2012 (49 U.S.C. 40101 note) is amended  
19 by striking “5 years after the date of enactment of this  
20 Act” and inserting “on September 30, 2019”.

21       (j) Section 411(h) of the FAA Modernization and Re-  
22 form Act of 2012 (49 U.S.C. 42301 prec. note) is amend-  
23 ed by striking “July 15, 2016” and inserting “September  
24 30, 2017”.

1 (k) Section 822(k) of the FAA Modernization and  
2 Reform Act of 2012 (49 U.S.C. 47141 note) is amended  
3 by striking “July 15, 2016” and inserting “September 30,  
4 2017”.

5 **SEC. 1103. FEDERAL AVIATION ADMINISTRATION OPER-**  
6 **ATIONS.**

7 Section 106(k) of title 49, United States Code, is  
8 amended—

9 (1) by striking paragraph (1)(E) and inserting  
10 the following:

11 “(E) \$9,909,724,000 for each of fiscal  
12 years 2016 and 2017.”; and

13 (2) in paragraph (3) by striking “fiscal years  
14 2012 through 2015” and all that follows through  
15 “July 15, 2016,” and inserting “fiscal years 2012  
16 through 2017,”.

17 **SEC. 1104. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

18 Section 48101(a)(5) of title 49, United States Code,  
19 is amended to read as follows:

20 “(5) \$2,855,000,000 for each of fiscal years  
21 2016 and 2017.”.

22 **SEC. 1105. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

23 Section 48102(a)(9) of title 49, United States Code,  
24 is amended to read as follows:

1           “(9) \$166,000,000 for each of fiscal years 2016  
2           and 2017.”.

3   **SEC. 1106. FUNDING FOR AVIATION PROGRAMS.**

4           (a) IN GENERAL.—Section 48114 of title 49, United  
5   States Code, is amended—

6           (1) in subsection (a)(2) by striking “fiscal year  
7           2016,” and inserting “fiscal year 2017,”; and

8           (2) in subsection (c)(2) by striking “fiscal year  
9           2016” and inserting “fiscal year 2017”.

10          (b) COMPLIANCE WITH AVIATION FUNDING RE-  
11   QUIREMENT.—The budget authority authorized in this  
12   title, including the amendments made by this title, shall  
13   be deemed to satisfy the requirements of subsections  
14   (a)(1)(B) and (a)(2) of section 48114 of title 49, United  
15   States Code, for each of fiscal years 2016 and 2017.

16   **SEC. 1107. ESSENTIAL AIR SERVICE.**

17          Section 41742(a)(2) of title 49, United States Code,  
18   is amended by striking “fiscal year 2014,” and all that  
19   follows through “July 15, 2016,” and inserting “fiscal  
20   year 2014, \$93,000,000 for fiscal year 2015, and  
21   \$175,000,000 for each of fiscal years 2016 and 2017”.



## 1       **Subtitle B—Revenue Provisions**

### 2       **SEC. 1201. EXPENDITURE AUTHORITY FROM AIRPORT AND** 3                   **AIRWAY TRUST FUND.**

4           (a) IN GENERAL.—Section 9502(d)(1) of the Inter-  
5       nal Revenue Code of 1986 is amended—

6               (1) in the matter preceding subparagraph (A),  
7           by striking “July 16, 2016” and inserting “October  
8           1, 2017”; and

9               (2) in subparagraph (A), by striking the semi-  
10       colon at the end and inserting “or the FAA Exten-  
11       sion, Safety, and Security Act of 2016;”.

12       (b) CONFORMING AMENDMENT.—Section 9502(e)(2)  
13       of such Code is amended by striking “July 16, 2016” and  
14       inserting “October 1, 2017”.

### 15       **SEC. 1202. EXTENSION OF TAXES FUNDING AIRPORT AND** 16                   **AIRWAY TRUST FUND.**

17       (a) FUEL TAXES.—Section 4081(d)(2)(B) of the In-  
18       ternal Revenue Code of 1986 is amended by striking “July  
19       15, 2016” and inserting “September 30, 2017”.

20       (b) TICKET TAXES.—

21               (1) PERSONS.—Section 4261(k)(1)(A)(ii) of  
22       such Code is amended by striking “July 15, 2016”  
23       and inserting “September 30, 2017”.

1 (2) PROPERTY.—Section 4271(d)(1)(A)(ii) of  
2 such Code is amended by striking “July 15, 2016”  
3 and inserting “September 30, 2017”.

4 (c) FRACTIONAL OWNERSHIP PROGRAMS.—

5 (1) TREATMENT AS NONCOMMERCIAL AVIA-  
6 TION.—Section 4083(b) of such Code is amended by  
7 striking “July 16, 2016” and inserting “October 1,  
8 2017”.

9 (2) EXEMPTION FROM TICKET TAXES.—Section  
10 4261(j) of such Code is amended by striking “July  
11 15, 2016” and inserting “September 30, 2017”.

12 **TITLE II—AVIATION SAFETY**  
13 **CRITICAL REFORMS**  
14 **Subtitle A—Safety**

15 **SEC. 2101. PILOT RECORDS DATABASE DEADLINE.**

16 Section 44703(i)(2) of title 49, United States Code,  
17 is amended by striking “The Administrator shall estab-  
18 lish” and inserting “Not later than April 30, 2017, the  
19 Administrator shall establish and make available for use”.

20 **SEC. 2102. COCKPIT AUTOMATION MANAGEMENT.**

21 Not later than 180 days after the date of enactment  
22 of this Act, the Administrator of the Federal Aviation Ad-  
23 ministration shall—

1           (1) develop a process to verify that air carrier  
2           training programs incorporate measures to train pi-  
3           lots on—

4                   (A) monitoring automation systems; and

5                   (B) controlling the flightpath of aircraft  
6           without autopilot or autoflight systems engaged;

7           (2) develop metrics or measurable tasks that air  
8           carriers can use to evaluate pilot monitoring pro-  
9           ficiency;

10           (3) issue guidance to aviation safety inspectors  
11           responsible for oversight of the operations of air car-  
12           riers on tracking and assessing pilots' proficiency in  
13           manual flight; and

14           (4) issue guidance to air carriers and inspectors  
15           regarding standards for compliance with the require-  
16           ments for enhanced pilot training contained in the  
17           final rule published in the Federal Register on No-  
18           vember 12, 2013 (78 Fed. Reg. 67800).

19   **SEC. 2103. ENHANCED MENTAL HEALTH SCREENING FOR**  
20                   **PILOTS.**

21           Not later than 180 days after the date of enactment  
22           of this Act, the Administrator of the Federal Aviation Ad-  
23           ministration shall consider the recommendations of the  
24           Pilot Fitness Aviation Rulemaking Committee in deter-  
25           mining whether to implement, as part of a comprehensive

1 medical certification process for pilots with a first- or sec-  
2 ond-class airman medical certificate, additional screening  
3 for mental health conditions, including depression and sui-  
4 cidal thoughts or tendencies, and assess treatments that  
5 would address any risk associated with such conditions.

6 **SEC. 2104. LASER POINTER INCIDENTS.**

7 (a) IN GENERAL.—Beginning 90 days after the date  
8 of enactment of this Act, the Administrator of the Federal  
9 Aviation Administration, in coordination with appropriate  
10 Federal law enforcement agencies, shall provide quarterly  
11 updates to the appropriate committees of Congress re-  
12 garding—

13 (1) the number of incidents involving the beam  
14 from a laser pointer (as defined in section 39A of  
15 title 18, United States Code) being aimed at, or in  
16 the flight path of, an aircraft in the airspace juris-  
17 diction of the United States;

18 (2) the number of civil or criminal enforcement  
19 actions taken by the Federal Aviation Administra-  
20 tion, the Department of Transportation, or another  
21 Federal agency with regard to the incidents de-  
22 scribed in paragraph (1), including the amount of  
23 the civil or criminal penalties imposed on violators;

1           (3) the resolution of any incidents described in  
2       paragraph (1) that did not result in a civil or criminal  
3       enforcement action; and

4           (4) any actions the Department of Transportation or another Federal agency has taken on its  
5       own, or in conjunction with other Federal agencies  
6       or local law enforcement agencies, to deter the type  
7       of activity described in paragraph (1).

8       (b) CIVIL PENALTIES.—The Administrator shall re-  
9       vise the maximum civil penalty that may be imposed on  
10      an individual who aims the beam of a laser pointer at an  
11      aircraft in the airspace jurisdiction of the United States,  
12      or at the flight path of such an aircraft, to be \$25,000.

13      **SEC. 2105. CRASH-RESISTANT FUEL SYSTEMS.**

14      Not later than 1 year after the date of enactment  
15      of this Act, the Administrator of the Federal Aviation Ad-  
16      ministration shall evaluate and update, as necessary,  
17      standards for crash-resistant fuel systems for civilian  
18      rotorcraft.

19      **SEC. 2106. HIRING OF AIR TRAFFIC CONTROLLERS.**

20      (a) IN GENERAL.—Section 44506 of title 49, United  
21      States Code, is amended by adding at the end the fol-  
22      lowing:  
23      

24      “(f) HIRING OF CERTAIN AIR TRAFFIC CONTROL  
25      SPECIALISTS.—

1 “(1) CONSIDERATION OF APPLICANTS.—

2 “(A) ENSURING SELECTION OF MOST  
3 QUALIFIED APPLICANTS.—In appointing indi-  
4 viduals to the position of air traffic controller,  
5 the Administrator shall give preferential consid-  
6 eration to qualified individuals maintaining 52  
7 consecutive weeks of air traffic control experi-  
8 ence involving the full-time active separation of  
9 air traffic after receipt of an air traffic certifi-  
10 cation or air traffic control facility rating within  
11 5 years of application while serving at—

12 “(i) a Federal Aviation Administra-  
13 tion air traffic control facility;

14 “(ii) a civilian or military air traffic  
15 control facility of the Department of De-  
16 fense; or

17 “(iii) a tower operating under con-  
18 tract with the Federal Aviation Adminis-  
19 tration under section 47124.

20 “(B) CONSIDERATION OF ADDITIONAL AP-  
21 PPLICANTS.—

22 “(i) IN GENERAL.—After giving pref-  
23 erential consideration to applicants under  
24 subparagraph (A), the Administrator shall  
25 consider additional applicants for the posi-

tion of air traffic controller by referring an approximately equal number of individuals for appointment among the 2 applicant pools described in this subparagraph. The number of individuals referred for consideration from each group shall not differ by more than 10 percent.

“(ii) POOL 1.—Pool 1 applicants are individuals who—

“(I) have successfully completed air traffic controller training and graduated from an institution participating in the Collegiate Training Initiative program maintained under subsection (c)(1) and who have received from the institution—

“(aa) an appropriate recommendation; or

“(bb) an endorsement certifying that the individual would have met the requirements in effect as of December 31, 2013, for an appropriate recommendation;

1 “(II) are eligible for a veterans  
2 recruitment appointment pursuant to  
3 section 4214 of title 38 and provide a  
4 Certificate of Release or Discharge  
5 from Active Duty within 120 days of  
6 the announcement closing;

7 “(III) are eligible veterans (as  
8 defined in section 4211 of title 38)  
9 maintaining aviation experience ob-  
10 tained in the course of the individual’s  
11 military experience; or

12 “(IV) are preference eligible vet-  
13 erans (as defined in section 2108 of  
14 title 5).

15 “(iii) POOL 2.—Pool 2 applicants are  
16 individuals who apply under a vacancy an-  
17 nouncement recruiting from all United  
18 States citizens.

19 “(2) USE OF BIOGRAPHICAL ASSESSMENTS.—

20 “(A) BIOGRAPHICAL ASSESSMENTS.—The  
21 Administrator shall not use any biographical as-  
22 sessment when hiring under paragraph (1)(A)  
23 or paragraph (1)(B)(ii).



1           “(B) RECONSIDERATION OF APPLICANTS  
2           DISQUALIFIED ON BASIS OF BIOGRAPHICAL AS-  
3           SESSMENTS.—

4           “(i) IN GENERAL.—If an individual  
5           described in paragraph (1)(A) or para-  
6           graph (1)(B)(ii), who applied for the posi-  
7           tion of air traffic controller with the Ad-  
8           ministration in response to Vacancy An-  
9           nouncement   FAA-AMC-14-ALLSRCE-  
10          33537 (issued on February 10, 2014), was  
11          disqualified from the position as the result  
12          of a biographical assessment, the Adminis-  
13          trator shall provide the applicant an oppor-  
14          tunity to reapply for the position as soon  
15          as practicable under the revised hiring  
16          practices.

17          “(ii) WAIVER OF AGE RESTRICTION.—  
18          The Administrator shall waive any max-  
19          imum age restriction for the position of air  
20          traffic controller with the Administration  
21          that would otherwise disqualify an indi-  
22          vidual from the position if the individual—

23                 “(I) is reapplying for the position  
24                 pursuant to clause (i) on or before  
25                 December 31, 2017; and

1                   “(II) met the maximum age re-  
2                   quirement on the date of the individ-  
3                   ual’s previous application for the posi-  
4                   tion during the interim hiring process.

5                   “(3) MAXIMUM ENTRY AGE FOR EXPERIENCED  
6                   CONTROLLERS.—Notwithstanding section 3307 of  
7                   title 5, the maximum limit of age for an original ap-  
8                   pointment to a position as an air traffic controller  
9                   shall be 35 years of age for those maintaining 52  
10                  weeks of air traffic control experience involving the  
11                  full-time active separation of air traffic after receipt  
12                  of an air traffic certification or air traffic control fa-  
13                  cility rating in a civilian or military air traffic con-  
14                  trol facility.”.

15                  (b) NOTIFICATION OF VACANCIES.—The Adminis-  
16                  trator of the Federal Aviation Administration shall con-  
17                  sider directly notifying secondary schools and institutions  
18                  of higher learning, including Historically Black Colleges  
19                  and Universities, Hispanic-serving institutions, Minority  
20                  Institutions, and Tribal Colleges and Universities, of a va-  
21                  cancy announcement under section 44506(f)(1)(B)(iii) of  
22                  title 49, United States Code.

1 **SEC. 2107. TRAINING POLICIES REGARDING ASSISTANCE**  
2 **FOR PERSONS WITH DISABILITIES.**

3 (a) IN GENERAL.—Not later than 270 days after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall submit to Congress a report  
6 assessing required air carrier personnel and contractor  
7 training programs regarding the assistance of persons  
8 with disabilities, including—

9 (1) variations in training programs between air  
10 carriers;

11 (2) instances since 2005 where the Department  
12 of Transportation has requested that an air carrier  
13 take corrective action following a review of the air  
14 carrier's training programs; and

15 (3) actions taken by air carriers following re-  
16 quests described in paragraph (2).

17 (b) BEST PRACTICES.—After the date the report is  
18 submitted under subsection (a), the Secretary of Trans-  
19 portation, based on the findings of the report, shall de-  
20 velop, make publicly available, and appropriately dissemi-  
21 nate to air carriers such best practices as the Secretary  
22 considers necessary to improve the reviewed training pro-  
23 grams.

24 **SEC. 2108. AIR TRAVEL ACCESSIBILITY.**

25 Not later than 1 year after the date of enactment  
26 of this Act, the Secretary of Transportation shall issue the

1 supplemental notice of proposed rulemaking referenced in  
2 the Secretary's Report on Significant Rulemakings, dated  
3 June 15, 2015, and assigned Regulation Identification  
4 Number 2105–AE12.

5 **SEC. 2109. ADDITIONAL CERTIFICATION RESOURCES.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, and subject to the requirements of subsection  
8 (b), the Administrator of the FAA may enter into a reim-  
9 bursable agreement with an applicant or certificate-holder  
10 for the reasonable travel and per diem expenses of the  
11 FAA associated with official travel to expedite the accept-  
12 ance or validation by a foreign authority of an FAA certifi-  
13 cate or design approval or the acceptance or validation by  
14 the FAA of a foreign authority certificate or design ap-  
15 proval.

16 (b) CONDITIONS.—The Administrator may enter into  
17 an agreement under subsection (a) only if—

18 (1) the travel covered under the agreement is  
19 deemed necessary, by both the Administrator and  
20 the applicant or certificate-holder, to expedite the  
21 acceptance or validation of the relevant certificate or  
22 approval;

23 (2) the travel is conducted at the request of the  
24 applicant or certificate-holder;

1           (3) travel plans and expenses are approved by  
2           the applicant or certificate-holder prior to travel;  
3           and

4           (4) the agreement requires payment in advance  
5           of FAA services and is consistent with the processes  
6           under section 106(l)(6) of title 49, United States  
7           Code.

8           (c) REPORT.—Not later than 2 years after the date  
9           of enactment of this Act, the Administrator shall submit  
10          to the appropriate committees of Congress a report on—

11           (1) the number of occasions on which the Ad-  
12          ministrator entered into reimbursable agreements  
13          under this section;

14           (2) the number of occasions on which the Ad-  
15          ministrator declined a request by an applicant or  
16          certificate-holder to enter into a reimbursable agree-  
17          ment under this section;

18           (3) the amount of reimbursements collected in  
19          accordance with agreements under this section; and

20           (4) the extent to which reimbursable agree-  
21          ments under this section assisted in reducing the  
22          amount of time necessary for validations of certifi-  
23          cates and design approvals.

24           (d) DEFINITIONS.—In this section, the following defi-  
25          nitions apply:

1 (1) APPLICANT.—The term “applicant” means  
2 a person that has—

3 (A) applied to a foreign authority for the  
4 acceptance or validation of an FAA certificate  
5 or design approval; or

6 (B) applied to the FAA for the acceptance  
7 or validation of a foreign authority certificate or  
8 design approval.

9 (2) CERTIFICATE-HOLDER.—The term “certifi-  
10 cate-holder” means a person that holds a certificate  
11 issued by the Administrator under part 21 of title  
12 14, Code of Federal Regulations.

13 (3) FAA.—The term “FAA” means the Fed-  
14 eral Aviation Administration.

15 **SEC. 2110. TOWER MARKING.**

16 (a) IN GENERAL.—Not later than 1 year after the  
17 date of enactment of this Act, the Administrator of the  
18 Federal Aviation Administration shall issue regulations to  
19 require the marking of covered towers.

20 (b) MARKING REQUIRED.—The regulations under  
21 subsection (a) shall require that a covered tower be clearly  
22 marked in a manner that is consistent with applicable  
23 guidance under the Federal Aviation Administration Advi-  
24 sory Circular issued December 4, 2015 (AC 70/7460–1L),

1 or other relevant safety guidance, as determined by the  
2 Administrator.

3 (c) APPLICATION.—The regulations issued under  
4 subsection (a) shall ensure that—

5 (1) all covered towers constructed on or after  
6 the date on which such regulations take effect are  
7 marked in accordance with subsection (b); and

8 (2) a covered tower constructed before the date  
9 on which such regulations take effect is marked in  
10 accordance with subsection (b) not later than 1 year  
11 after such effective date.

12 (d) DEFINITIONS.—

13 (1) IN GENERAL.—In this section, the following  
14 definitions apply:

15 (A) COVERED TOWER.—

16 (i) IN GENERAL.—The term “covered  
17 tower” means a structure that—

18 (I) is self-standing or supported  
19 by guy wires and ground anchors;

20 (II) is 10 feet or less in diameter  
21 at the above-ground base, excluding  
22 concrete footing;

23 (III) at the highest point of the  
24 structure is at least 50 feet above  
25 ground level;

1 (IV) at the highest point of the  
2 structure is not more than 200 feet  
3 above ground level;

4 (V) has accessory facilities on  
5 which an antenna, sensor, camera,  
6 meteorological instrument, or other  
7 equipment is mounted; and

8 (VI) is located—

9 (aa) outside the boundaries  
10 of an incorporated city or town;  
11 or

12 (bb) on land that is—

13 (AA) undeveloped; or

14 (BB) used for agricul-  
15 tural purposes.

16 (ii) EXCLUSIONS.—The term “covered  
17 tower” does not include any structure  
18 that—

19 (I) is adjacent to a house, barn,  
20 electric utility station, or other build-  
21 ing;

22 (II) is within the curtilage of a  
23 farmstead;

24 (III) supports electric utility  
25 transmission or distribution lines;



1 (IV) is a wind-powered electrical  
2 generator with a rotor blade radius  
3 that exceeds 6 feet; or

4 (V) is a street light erected or  
5 maintained by a Federal, State, local,  
6 or tribal entity.

7 (B) UNDEVELOPED.—The term “undevel-  
8 oped” means a defined geographic area where  
9 the Administrator determines low-flying aircraft  
10 are operated on a routine basis, such as low-  
11 lying forested areas with predominant tree  
12 cover under 200 feet and pasture and range  
13 land.

14 (2) OTHER DEFINITIONS.—The Administrator  
15 shall define such other terms as may be necessary  
16 to carry out this section.

17 (e) DATABASE.—The Administrator shall—

18 (1) develop a database that contains the loca-  
19 tion and height of each covered tower;

20 (2) keep the database current to the extent  
21 practicable;

22 (3) ensure that any proprietary information in  
23 the database is protected from disclosure in accord-  
24 ance with law; and

1 (4) ensure that, by virtue of accessing the data-  
2 base, users agree and acknowledge that information  
3 in the database—

4 (A) may only be used for aviation safety  
5 purposes; and

6 (B) may not be disclosed for purposes  
7 other than aviation safety, regardless of wheth-  
8 er or not the information is marked or labeled  
9 as proprietary or with a similar designation.

10 **SEC. 2111. AVIATION CYBERSECURITY.**

11 (a) COMPREHENSIVE AND STRATEGIC AVIATION  
12 FRAMEWORK.—

13 (1) IN GENERAL.—Not later than 240 days  
14 after the date of enactment of this Act, the Adminis-  
15 trator of the Federal Aviation Administration shall  
16 facilitate and support the development of a com-  
17 prehensive and strategic framework of principles and  
18 policies to reduce cybersecurity risks to the national  
19 airspace system, civil aviation, and agency informa-  
20 tion systems using a total systems approach that  
21 takes into consideration the interactions and inter-  
22 dependence of different components of aircraft sys-  
23 tems and the national airspace system.

24 (2) SCOPE.—In carrying out paragraph (1), the  
25 Administrator shall—

1 (A) identify and address the cybersecurity  
2 risks associated with—

3 (i) the modernization of the national  
4 airspace system;

5 (ii) the automation of aircraft, equip-  
6 ment, and technology; and

7 (iii) aircraft systems, including by—

8 (I) directing the Aircraft Systems  
9 Information Security Protection  
10 Working Group—

11 (aa) to assess cybersecurity  
12 risks to aircraft systems;

13 (bb) to review the extent to  
14 which existing rulemaking, policy,  
15 and guidance to promote safety  
16 also promote aircraft systems in-  
17 formation security protection;  
18 and

19 (cc) to provide appropriate  
20 recommendations to the Adminis-  
21 trator if separate or additional  
22 rulemaking, policy, or guidance is  
23 needed to address cybersecurity  
24 risks to aircraft systems; and

25 (II) identifying and addressing—

1 (aa) cybersecurity risks as-  
2 sociated with in-flight entertain-  
3 ment systems; and

4 (bb) whether in-flight enter-  
5 tainment systems can and should  
6 be isolated and separate, such as  
7 through an air gap, under exist-  
8 ing rulemaking, policy, and guid-  
9 ance;

10 (B) clarify cybersecurity roles and respon-  
11 sibilities of offices and employees of the Federal  
12 Aviation Administration, as the roles and re-  
13 sponsibilities relate to cybersecurity at the Fed-  
14 eral Aviation Administration;

15 (C) identify and implement objectives and  
16 actions to reduce cybersecurity risks to air traf-  
17 fic control information systems, including ac-  
18 tions to improve implementation of information  
19 security standards, such as those of the Na-  
20 tional Institute of Standards and Technology;

21 (D) support voluntary efforts by industry,  
22 RTCA, Inc., and other standards-setting orga-  
23 nizations to develop and identify consensus  
24 standards and best practices relating to guid-  
25 ance on aviation systems information security

1 protection, consistent, to the extent appropriate,  
2 with the cybersecurity risk management activi-  
3 ties described in section 2(e) of the National In-  
4 stitute of Standards and Technology Act (15  
5 U.S.C. 272(e));

6 (E) establish guidelines for the voluntary  
7 exchange of information between and among  
8 aviation stakeholders pertaining to aviation-re-  
9 lated cybersecurity incidents, threats, and  
10 vulnerabilities;

11 (F) identify short- and long-term objectives  
12 and actions that can be taken in response to  
13 cybersecurity risks to the national airspace sys-  
14 tem; and

15 (G) identify research and development ac-  
16 tivities to inform actions in response to  
17 cybersecurity risks.

18 (3) IMPLEMENTATION REQUIREMENTS.—In car-  
19 rying out the activities under this subsection, the  
20 Administrator shall—

21 (A) coordinate with aviation stakeholders,  
22 including, at a minimum, representatives of in-  
23 dustry, airlines, manufacturers, airports,  
24 RTCA, Inc., and unions;

1 (B) consult with the heads of relevant  
2 agencies and with international regulatory au-  
3 thorities;

4 (C) if determined appropriate, convene an  
5 expert panel or working group to identify and  
6 address cybersecurity risks; and

7 (D) evaluate, on a periodic basis, the effec-  
8 tiveness of the principles established under this  
9 subsection.

10 (b) UPDATE ON CYBERSECURITY IMPLEMENTATION  
11 PROGRESS.—Not later than 90 days after the date of en-  
12 actment of this Act, the Administrator shall provide to the  
13 appropriate committees of Congress an update on progress  
14 made toward the implementation of this section.

15 (c) CYBERSECURITY THREAT MODEL.—Not later  
16 than 1 year after the date of enactment of this Act, the  
17 Administrator, in consultation with the Director of the  
18 National Institute of Standards and Technology, shall im-  
19 plement the open recommendation issued in 2015 by the  
20 Government Accountability Office to assess and research  
21 the potential cost and timetable of developing and main-  
22 taining an agencywide threat model, which shall be up-  
23 dated regularly, to strengthen the cybersecurity of agency  
24 systems across the Federal Aviation Administration. The  
25 Administrator shall brief the Committee on Science,

1 Space, and Technology and the Committee on Transpor-  
2 tation and Infrastructure of the House of Representatives  
3 and the Committee on Commerce, Science, and Transpor-  
4 tation of the Senate on the status, results, and composi-  
5 tion of the threat model.

6 (d) NATIONAL INSTITUTE OF STANDARDS AND  
7 TECHNOLOGY INFORMATION SECURITY STANDARDS.—  
8 Not later than 180 days after the date of enactment of  
9 this Act, the Administrator of the Federal Aviation Ad-  
10 ministration, after consultation with the Director of the  
11 National Institute of Standards and Technology, shall  
12 transmit to the Committee on Science, Space, and Tech-  
13 nology and the Committee on Transportation and Infra-  
14 structure of the House of Representatives and the Com-  
15 mittee on Commerce, Science, and Transportation of the  
16 Senate a report on—

- 17 (1) a cybersecurity standards plan to improve  
18 implementation of the National Institute of Stand-  
19 ards and Technology's latest revisions to information  
20 security guidance for Federal Aviation Administra-  
21 tion information and Federal Aviation Administra-  
22 tion information systems within set timeframes; and  
23 (2) an explanation of why any such revisions  
24 are not incorporated in the plan or are not incor-  
25 porated within set timeframes.

1       (e) CYBERSECURITY RESEARCH AND DEVELOP-  
2     MENT.—Not later than 1 year after the date of enactment  
3     of this Act, the Administrator, in consultation with other  
4     agencies as appropriate, shall establish a cybersecurity re-  
5     search and development plan for the national airspace sys-  
6     tem, including—

7             (1) any proposal for research and development  
8             cooperation with international partners;

9             (2) an evaluation and determination of research  
10            and development needs to determine any  
11            cybersecurity risks of cabin communications and  
12            cabin information technology systems on board in  
13            the passenger domain; and

14            (3) objectives, proposed tasks, milestones, and a  
15            5-year budgetary profile.

16     **SEC. 2112. REPAIR STATIONS LOCATED OUTSIDE UNITED**  
17             **STATES.**

18       (a) RISK-BASED OVERSIGHT.—Section 44733 of title  
19     49, United States Code, is amended—

20             (1) by redesignating subsection (f) as sub-  
21             section (g);

22             (2) by inserting after subsection (e) the fol-  
23             lowing:

24             “(f) RISK-BASED OVERSIGHT.—



1           “(1) IN GENERAL.—Not later than 90 days  
2           after the date of enactment of the FAA Extension,  
3           Safety, and Security Act of 2016, the Administrator  
4           shall take measures to ensure that the safety assess-  
5           ment system established under subsection (a)—

6                   “(A) places particular consideration on in-  
7                   spections of part 145 repair stations located  
8                   outside the United States that conduct sched-  
9                   uled heavy maintenance work on part 121 air  
10                  carrier aircraft; and

11                  “(B) accounts for the frequency and seri-  
12                  ousness of any corrective actions that part 121  
13                  air carriers must implement to aircraft fol-  
14                  lowing such work at such repair stations.

15           “(2) INTERNATIONAL AGREEMENTS.—The Ad-  
16           ministrator shall take the measures required under  
17           paragraph (1)—

18                   “(A) in accordance with United States ob-  
19                   ligations under applicable international agree-  
20                   ments; and

21                   “(B) in a manner consistent with the ap-  
22                   plicable laws of the country in which a repair  
23                   station is located.

24           “(3) ACCESS TO DATA.—The Administrator  
25           may access and review such information or data in

1 the possession of a part 121 air carrier as the Ad-  
2 ministrator may require in carrying out paragraph  
3 (1)(B).”; and

4 (3) in subsection (g) (as so redesignated)—

5 (A) by redesignating paragraphs (1) and  
6 (2) as paragraphs (2) and (3), respectively; and

7 (B) by inserting before paragraph (2) (as  
8 so redesignated) the following:

9 “(1) HEAVY MAINTENANCE WORK.—The term  
10 ‘heavy maintenance work’ means a C-check, a D-  
11 check, or equivalent maintenance operation with re-  
12 spect to the airframe of a transport-category air-  
13 craft.”.

14 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-  
15 ING.—The Administrator of the Federal Aviation Admin-  
16 istration shall ensure that—

17 (1) not later than 90 days after the date of en-  
18 actment of this Act, a notice of proposed rulemaking  
19 required pursuant to section 44733(d)(2) is pub-  
20 lished in the Federal Register; and

21 (2) not later than 1 year after the date on  
22 which the notice of proposed rulemaking is published  
23 in the Federal Register, the rulemaking is finalized.

24 (c) BACKGROUND INVESTIGATIONS.—Not later than  
25 180 days after the date of enactment of this Act, the Ad-

1   ministrator shall ensure that each employee of a repair  
2   station certificated under part 145 of title 14, Code of  
3   Federal Regulations, who performs a safety-sensitive func-  
4   tion on an air carrier aircraft has undergone a pre-employ-  
5   ment background investigation sufficient to determine  
6   whether the individual presents a threat to aviation safety,  
7   in a manner that is—

8           (1) determined acceptable by the Administrator;

9           (2) consistent with the applicable laws of the  
10   country in which the repair station is located; and

11          (3) consistent with the United States obliga-  
12   tions under international agreements.

13   **SEC. 2113. ENHANCED TRAINING FOR FLIGHT ATTEND-**  
14                           **ANTS.**

15   Section 44734(a) of title 49, United States Code, is  
16   amended—

17           (1) in paragraph (2) by striking “and” at the  
18   end;

19           (2) in paragraph (3) by striking the period at  
20   the end and inserting “; and”; and

21           (3) by adding at the end the following:

22           “(4) recognizing and responding to potential  
23   human trafficking victims.”.

## 1                   **Subtitle B—UAS Safety**

### 2   **SEC. 2201. DEFINITIONS.**

3           (a) **DEFINITIONS APPLIED.**—In this subtitle, the  
4 terms “unmanned aircraft”, “unmanned aircraft system”,  
5 and “small unmanned aircraft” have the meanings given  
6 those terms in section 331 of the FAA Modernization and  
7 Reform Act of 2012 (49 U.S.C. 40101 note), as amended  
8 by this Act.

9           (b) **FAA MODERNIZATION AND REFORM ACT.**—Sec-  
10 tion 331 of the FAA Modernization and Reform Act of  
11 2012 (49 U.S.C. 40101 note) is amended—

12               (1) in paragraph (6) by inserting “, including  
13 everything that is on board or otherwise attached to  
14 the aircraft” after “55 pounds”; and

15               (2) by striking paragraph (7) and inserting the  
16 following:

17               “(7) **TEST RANGE.**—

18                       “(A) **IN GENERAL.**—The term ‘test range’  
19 means a defined geographic area where re-  
20 search and development are conducted as au-  
21 thorized by the Administrator of the Federal  
22 Aviation Administration.

23                       “(B) **INCLUSIONS.**—The term ‘test range’  
24 includes any of the 6 test ranges established by  
25 the Administrator of the Federal Aviation Ad-

1           ministration under section 332(c), as in effect  
2           on the day before the date of enactment of this  
3           subparagraph, and any public entity authorized  
4           by the Federal Aviation Administration as an  
5           unmanned aircraft system flight test center be-  
6           fore January 1, 2009.”.

7   **SEC. 2202. IDENTIFICATION STANDARDS.**

8           (a) IN GENERAL.—The Administrator of the Federal  
9   Aviation Administration, in consultation with the Sec-  
10   retary of Transportation, the President of RTCA, Inc.,  
11   and the Director of the National Institute of Standards  
12   and Technology, shall convene industry stakeholders to fa-  
13   cilitate the development of consensus standards for re-  
14   motely identifying operators and owners of unmanned air-  
15   craft systems and associated unmanned aircraft.

16          (b) CONSIDERATIONS.—As part of any standards de-  
17   veloped under subsection (a), the Administrator shall en-  
18   sure the consideration of—

19           (1) requirements for remote identification of  
20   unmanned aircraft systems;

21           (2) appropriate requirements for different clas-  
22   sifications of unmanned aircraft systems operations,  
23   including public and civil; and

24           (3) the feasibility of the development and oper-  
25   ation of a publicly accessible online database of un-

1       manned aircraft and the operators thereof, and any  
2       criteria for exclusion from the database.

3       (c) DEADLINE.—Not later than 1 year after the date  
4 of enactment of this Act, the Administrator shall submit  
5 to the appropriate committees of Congress a report on any  
6 standards developed under subsection (a).

7       (d) GUIDANCE.—Not later than 1 year after the date  
8 on which the Administrator submits the report under sub-  
9 section (c), the Administrator shall issue regulations or  
10 guidance, as appropriate, based on any standards devel-  
11 oped under subsection (a).

12 **SEC. 2203. SAFETY STATEMENTS.**

13       (a) REQUIRED INFORMATION.—Beginning on the  
14 date that is 1 year after the date of publication of the  
15 guidance under subsection (b)(1), a manufacturer of a  
16 small unmanned aircraft shall make available to the owner  
17 at the time of delivery of the small unmanned aircraft the  
18 safety statement described in subsection (b)(2).

19       (b) SAFETY STATEMENT.—

20           (1) IN GENERAL.—Not later than 1 year after  
21 the date of enactment of this Act, the Administrator  
22 of the Federal Aviation Administration shall issue  
23 guidance for implementing this section.

24           (2) REQUIREMENTS.—A safety statement re-  
25 quired under subsection (a) shall include—

1 (A) information about, and sources of,  
2 laws and regulations applicable to small un-  
3 manned aircraft;

4 (B) recommendations for using small un-  
5 manned aircraft in a manner that promotes the  
6 safety of persons and property;

7 (C) the date that the safety statement was  
8 created or last modified; and

9 (D) language approved by the Adminis-  
10 trator regarding the following:

11 (i) A person may operate the small  
12 unmanned aircraft as a model aircraft (as  
13 defined in section 336 of the FAA Mod-  
14 ernization and Reform Act of 2012 (49  
15 U.S.C. 40101 note)) or otherwise in ac-  
16 cordance with Federal Aviation Adminis-  
17 tration authorization or regulation, includ-  
18 ing requirements for the completion of any  
19 applicable airman test.

20 (ii) The definition of a model aircraft  
21 under section 336 of the FAA Moderniza-  
22 tion and Reform Act of 2012 (49 U.S.C.  
23 40101 note).

24 (iii) The requirements regarding the  
25 operation of a model aircraft under section

1                   336 of the FAA Modernization and Re-  
2                   form Act of 2012 (49 U.S.C. 40101 note).

3                   (iv) The Administrator may pursue  
4                   enforcement action against a person oper-  
5                   ating model aircraft who endangers the  
6                   safety of the national airspace system.

7           (c) CIVIL PENALTY.—A person who violates sub-  
8   section (a) shall be liable for each violation to the United  
9   States Government for a civil penalty described in section  
10 46301(a) of title 49, United States Code.

11 **SEC. 2204. FACILITATING INTERAGENCY COOPERATION**  
12 **FOR UNMANNED AIRCRAFT AUTHORIZATION**  
13 **IN SUPPORT OF FIREFIGHTING OPERATIONS**  
14 **AND UTILITY RESTORATION.**

15       (a) FIREFIGHTING OPERATIONS.—The Adminis-  
16 trator of the Federal Aviation Administration shall enter  
17 into agreements with the Secretary of the Interior and the  
18 Secretary of Agriculture, as necessary, to continue the ex-  
19 peditious authorization of safe unmanned aircraft system  
20 operations in support of firefighting operations consistent  
21 with the requirements of section 334(c) of the FAA Mod-  
22 ernization and Reform Act of 2012 (49 U.S.C. 40101  
23 note).

24       (b) UTILITY RESTORATION.—The Administrator  
25 shall enter into agreements with the Secretary of Energy



1 and with such other agencies or parties, including the Fed-  
2 eral Emergency Management Agency, as are necessary to  
3 facilitate the expeditious authorization of safe unmanned  
4 aircraft system operations in support of service restoration  
5 efforts of utilities.

6 (c) DEFINITION OF UTILITY.—In this section, the  
7 term “utility” shall at a minimum include the definition  
8 in section 3(4) of the Public Utility Regulatory Policies  
9 Act of 1978 (16 U.S.C. 2602(4)).

10 **SEC. 2205. INTERFERENCE WITH WILDFIRE SUPPRESSION,**  
11 **LAW ENFORCEMENT, OR EMERGENCY RE-**  
12 **SPONSE EFFORT BY OPERATION OF UN-**  
13 **MANNED AIRCRAFT.**

14 (a) IN GENERAL.—Chapter 463 of title 49, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing:

17 **“§ 46320. Interference with wildfire suppression, law**  
18 **enforcement, or emergency response ef-**  
19 **fort by operation of unmanned aircraft**

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (b), an individual who operates an unmanned aircraft and  
22 in so doing knowingly or recklessly interferes with a wild-  
23 fire suppression, law enforcement, or emergency response  
24 effort is liable to the United States Government for a civil  
25 penalty of not more than \$20,000.

1       “(b) EXCEPTIONS.—This section does not apply to  
2 the operation of an unmanned aircraft conducted by a unit  
3 or agency of the United States Government or of a State,  
4 tribal, or local government (including any individual con-  
5 ducting such operation pursuant to a contract or other  
6 agreement entered into with the unit or agency) for the  
7 purpose of protecting the public safety and welfare, includ-  
8 ing firefighting, law enforcement, or emergency response.

9       “(c) COMPROMISE AND SETOFF.—

10           “(1) COMPROMISE.—The United States Gov-  
11 ernment may compromise the amount of a civil pen-  
12 alty imposed under this section.

13           “(2) SETOFF.—The United States Government  
14 may deduct the amount of a civil penalty imposed or  
15 compromised under this section from the amounts  
16 the Government owes the person liable for the pen-  
17 alty.

18       “(d) DEFINITIONS.—In this section, the following  
19 definitions apply:

20           “(1) WILDFIRE.—The term ‘wildfire’ has the  
21 meaning given that term in section 2 of the Emer-  
22 gency Wildfire Suppression Act (42 U.S.C. 1856m).

23           “(2) WILDFIRE SUPPRESSION.—The term ‘wild-  
24 fire suppression’ means an effort to contain, extin-  
25 guish, or suppress a wildfire.”.

1 (b) FAA TO IMPOSE CIVIL PENALTY.—Section  
2 46301(d)(2) of title 49, United States Code, is amended  
3 by inserting “section 46320,” after “section 46319,”.

4 (c) CLERICAL AMENDMENT.—The analysis for chap-  
5 ter 463 of title 49, United States Code, is amended by  
6 adding at the end the following:

“46320. Interference with wildfire suppression, law enforcement, or emergency  
response effort by operation of unmanned aircraft.”.

7 **SEC. 2206. PILOT PROJECT FOR AIRPORT SAFETY AND AIR-**  
8 **SPACE HAZARD MITIGATION.**

9 (a) IN GENERAL.—The Administrator of the Federal  
10 Aviation Administration shall establish a pilot program for  
11 airspace hazard mitigation at airports and other critical  
12 infrastructure using unmanned aircraft detection systems.

13 (b) CONSULTATION.—In carrying out the pilot pro-  
14 gram under subsection (a), the Administrator shall work  
15 with the Secretary of Defense, the Secretary of Homeland  
16 Security, and the heads of other relevant Federal depart-  
17 ments and agencies for the purpose of ensuring that tech-  
18 nologies that are developed, tested, or deployed by those  
19 departments and agencies to mitigate threats posed by er-  
20 rant or hostile unmanned aircraft system operations do  
21 not adversely impact or interfere with safe airport oper-  
22 ations, navigation, air traffic services, or the safe and effi-  
23 cient operation of the national airspace system.

1       (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated from the Airport and Air-  
3 way Trust Fund to carry out this section \$6,000,000, to  
4 remain available until expended.

5       (d) AUTHORITY.—After the pilot program established  
6 under subsection (a) ceases to be effective pursuant to  
7 subsection (g), the Administrator may use unmanned air-  
8 craft detection systems to detect and mitigate the unau-  
9 thorized operation of an unmanned aircraft that poses a  
10 risk to aviation safety.

11       (e) REPORT.—

12           (1) IN GENERAL.—Not later than 18 months  
13 after the date of enactment of this Act, the Adminis-  
14 trator shall submit to the appropriate committees of  
15 Congress a report on the results of the pilot pro-  
16 gram established under subsection (a).

17           (2) CONTENTS.—The report required under  
18 paragraph (1) shall include the following:

19               (A) The number of unauthorized un-  
20 manned aircraft operations detected, together  
21 with a description of such operations.

22               (B) The number of instances in which un-  
23 authorized unmanned aircraft were mitigated,  
24 together with a description of such instances.

1           (C) The number of enforcement cases  
2 brought by the Federal Aviation Administration  
3 for unauthorized operation of unmanned air-  
4 craft detected through the pilot program, to-  
5 gether with a description of such cases.

6           (D) The number of any technical failures  
7 in the pilot program, together with a descrip-  
8 tion of such failures.

9           (E) Recommendations for safety and oper-  
10 ational standards for unmanned aircraft detec-  
11 tion systems.

12           (F) The feasibility of deployment of the  
13 systems at other airports.

14           (3) FORMAT.—To the extent practicable, the re-  
15 port prepared under paragraph (1) shall be sub-  
16 mitted in a classified format. If appropriate, the re-  
17 port may include an unclassified summary.

18           (f) SUNSET.—The pilot program established under  
19 subsection (a) shall cease to be effective on the earlier of—

20           (1) the date that is 18 months after the date  
21 of enactment of this Act; and

22           (2) the date of the submission of the report  
23 under subsection (e).

1 **SEC. 2207. EMERGENCY EXEMPTION PROCESS.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of enactment of this Act, the Administrator of the  
4 Federal Aviation Administration shall publish guidance  
5 for applications for, and procedures for the processing of,  
6 on an emergency basis, exemptions or certificates of au-  
7 thorization or waiver for the use of unmanned aircraft sys-  
8 tems by civil or public operators in response to a catas-  
9 trophe, disaster, or other emergency to facilitate emer-  
10 gency response operations, such as firefighting, search and  
11 rescue, and utility and infrastructure restoration efforts.  
12 In processing such applications, the Administrator shall  
13 give priority to applications for public unmanned aircraft  
14 systems engaged in emergency response activities.

15 (b) REQUIREMENTS.—In providing guidance under  
16 subsection (a), the Administrator shall—

17 (1) make explicit any safety requirements that  
18 must be met for the consideration of applications  
19 that include requests for beyond visual line of sight  
20 or nighttime operations, or the suspension of other-  
21 wise applicable operating restrictions, consistent  
22 with public interest and safety; and

23 (2) explicitly state the procedures for coordi-  
24 nating with an incident commander, if any, to en-  
25 sure operations granted under procedures developed

1 under subsection (a) do not interfere with other  
2 emergency response efforts.

3 (c) REVIEW.—In processing applications on an emer-  
4 gency basis for exemptions or certificates of authorization  
5 or waiver for unmanned aircraft systems operations in re-  
6 sponse to a catastrophe, disaster, or other emergency, the  
7 Administrator shall act on such applications as expedi-  
8 tiously as practicable and without requiring public notice  
9 and comment.

10 **SEC. 2208. UNMANNED AIRCRAFT SYSTEMS TRAFFIC MAN-**  
11 **AGEMENT.**

12 (a) RESEARCH PLAN FOR UTM DEVELOPMENT AND  
13 DEPLOYMENT.—

14 (1) IN GENERAL.—The Administrator of the  
15 Federal Aviation Administration (in this section re-  
16 ferred to as the “Administrator”), in coordination  
17 with the Administrator of the National Aeronautics  
18 and Space Administration, shall continue develop-  
19 ment of a research plan for unmanned aircraft sys-  
20 tems traffic management (in this section referred to  
21 as “UTM”) development and deployment.

22 (2) REQUIREMENTS.—In developing the re-  
23 search plan, the Administrator shall—

24 (A) identify research outcomes sought; and

1 (B) ensure the plan is consistent with ex-  
2 isting regulatory and operational frameworks,  
3 and considers potential future regulatory and  
4 operational frameworks, for unmanned aircraft  
5 systems in the national airspace system.

6 (3) ASSESSMENT.—The research plan shall in-  
7 clude an assessment of the interoperability of a  
8 UTM system with existing and potential future air  
9 traffic management systems and processes.

10 (4) DEADLINES.—The Administrator shall—

11 (A) initiate development of the research  
12 plan not later than 60 days after the date of  
13 enactment of this Act; and

14 (B) not later than 180 days after the date  
15 of enactment of this Act—

16 (i) complete the research plan;

17 (ii) submit the research plan to the  
18 Committee on Commerce, Science, and  
19 Transportation of the Senate and the  
20 Committee on Science, Space, and Tech-  
21 nology and the Committee on Transpor-  
22 tation and Infrastructure of the House of  
23 Representatives; and



1 (iii) publish the research plan on the  
2 Internet Web site of the Federal Aviation  
3 Administration.

4 (b) PILOT PROGRAM.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 the date of submission of the research plan under  
7 subsection (a)(4)(B), the Administrator, in coordina-  
8 tion with the Administrator of the National Aero-  
9 nautics and Space Administration, the Drone Advi-  
10 sory Committee, the research advisory committee es-  
11 tablished by section 44508(a) of title 49, United  
12 States Code, and representatives of the unmanned  
13 aircraft industry, shall establish a UTM system pilot  
14 program.

15 (2) SUNSET.—Not later than 2 years after the  
16 date of establishment of the pilot program, the Ad-  
17 ministrator shall conclude the pilot program.

18 (c) UPDATES.—Not later than 180 days after the  
19 date of establishment of the pilot program, and every 180  
20 days thereafter until the date of conclusion of the pilot  
21 program, the Administrator shall submit to the Committee  
22 on Commerce, Science, and Transportation of the Senate  
23 and the Committee on Science, Space, and Technology  
24 and the Committee on Transportation and Infrastructure

1 of the House of Representatives an update on the status  
2 and progress of the pilot program.

3 **SEC. 2209. APPLICATIONS FOR DESIGNATION.**

4 (a) APPLICATIONS FOR DESIGNATION.—Not later  
5 than 180 days after the date of enactment of this Act,  
6 the Secretary of Transportation shall establish a process  
7 to allow applicants to petition the Administrator of the  
8 Federal Aviation Administration to prohibit or restrict the  
9 operation of an unmanned aircraft in close proximity to  
10 a fixed site facility.

11 (b) REVIEW PROCESS.—

12 (1) APPLICATION PROCEDURES.—

13 (A) IN GENERAL.—The Administrator  
14 shall establish the procedures for the applica-  
15 tion for designation under subsection (a).

16 (B) REQUIREMENTS.—The procedures  
17 shall allow operators or proprietors of fixed site  
18 facilities to apply for designation individually or  
19 collectively.

20 (C) CONSIDERATIONS.—Only the following  
21 may be considered fixed site facilities:

22 (i) Critical infrastructure, such as en-  
23 ergy production, transmission, and dis-  
24 tribution facilities and equipment.

1 (ii) Oil refineries and chemical facili-  
2 ties.

3 (iii) Amusement parks.

4 (iv) Other locations that warrant such  
5 restrictions.

6 (2) DETERMINATION.—

7 (A) IN GENERAL.—The Secretary shall  
8 provide for a determination under the review  
9 process established under subsection (a) not  
10 later than 90 days after the date of application,  
11 unless the applicant is provided with written no-  
12 tice describing the reason for the delay.

13 (B) AFFIRMATIVE DESIGNATIONS.—An af-  
14 firmative designation shall outline—

15 (i) the boundaries for unmanned air-  
16 craft operation near the fixed site facility;  
17 and

18 (ii) such other limitations that the Ad-  
19 ministrator determines may be appro-  
20 priate.

21 (C) CONSIDERATIONS.—In making a de-  
22 termination whether to grant or deny an appli-  
23 cation for a designation, the Administrator may  
24 consider—

25 (i) aviation safety;

- 1 (ii) protection of persons and property  
2 on the ground;  
3 (iii) national security; or  
4 (iv) homeland security.

5 (D) OPPORTUNITY FOR RESUBMISSION.—

6 If an application is denied, and the applicant  
7 can reasonably address the reason for the de-  
8 nial, the Administrator may allow the applicant  
9 to reapply for designation.

10 (c) PUBLIC INFORMATION.—Designations under sub-  
11 section (a) shall be published by the Federal Aviation Ad-  
12 ministration on a publicly accessible website.

13 (d) SAVINGS CLAUSE.—Nothing in this section may  
14 be construed as prohibiting the Administrator from au-  
15 thorizing operation of an aircraft, including an unmanned  
16 aircraft system, over, under, or within a specified distance  
17 from that fixed site facility designated under subsection  
18 (b).

19 **SEC. 2210. OPERATIONS ASSOCIATED WITH CRITICAL IN-**  
20 **FRASTRUCTURE.**

21 (a) IN GENERAL.—Any application process estab-  
22 lished under section 333 of the FAA Modernization and  
23 Reform Act of 2012 (49 U.S.C. 40101 note) shall allow  
24 for a person to apply to the Administrator of the Federal  
25 Aviation Administration to operate an unmanned aircraft

1 system, for purposes of conducting an activity described  
2 in subsection (b)—

- 3 (1) beyond the visual line of sight of the indi-  
4 vidual operating the unmanned aircraft system; and  
5 (2) during the day or at night.

6 (b) ACTIVITIES DESCRIBED.—The activities de-  
7 scribed in this subsection are—

- 8 (1) activities for which manned aircraft may be  
9 used to comply with Federal, State, or local laws, in-  
10 cluding—

11 (A) activities to ensure compliance with  
12 Federal or State regulatory, permit, or other re-  
13 quirements, including to conduct surveys associ-  
14 ated with applications for permits for new pipe-  
15 line or pipeline systems construction or mainte-  
16 nance or rehabilitation of existing pipelines or  
17 pipeline systems; and

18 (B) activities relating to ensuring compli-  
19 ance with—

20 (i) parts 192 and 195 of title 49,  
21 Code of Federal Regulations; and

22 (ii) the requirements of any Federal,  
23 State, or local governmental or regulatory  
24 body, or industry best practice, pertaining  
25 to the construction, ownership, operation,

1 maintenance, repair, or replacement of cov-  
2 ered facilities;

3 (2) activities to inspect, repair, construct, main-  
4 tain, or protect covered facilities, including for the  
5 purpose of responding to a pipeline, pipeline system,  
6 or electric energy infrastructure incident; and

7 (3) activities in response to or in preparation  
8 for a natural disaster, manmade disaster, severe  
9 weather event, or other incident beyond the control  
10 of the applicant that may cause material damage to  
11 a covered facility.

12 (c) DEFINITIONS.—In this section, the following defi-  
13 nitions apply:

14 (1) COVERED FACILITY.—The term “covered  
15 facility” means—

16 (A) a pipeline or pipeline system;

17 (B) an electric energy generation, trans-  
18 mission, or distribution facility (including a re-  
19 newable electric energy facility);

20 (C) an oil or gas production, refining, or  
21 processing facility; or

22 (D) any other critical infrastructure facil-  
23 ity.

24 (2) CRITICAL INFRASTRUCTURE.—The term  
25 “critical infrastructure” has the meaning given that

1 term in section 2339D of title 18, United States  
2 Code.

3 (d) DEADLINES.—

4 (1) CERTIFICATION TO CONGRESS.—Not later  
5 than 90 days after the date of enactment of this  
6 Act, the Administrator shall submit to the appro-  
7 priate committees of Congress a certification that a  
8 process has been established to facilitate applications  
9 for unmanned aircraft systems operations described  
10 in this section.

11 (2) FAILURE TO MEET CERTIFICATION DEAD-  
12 LINE.—If the Administrator cannot provide a certifi-  
13 cation under paragraph (1), the Administrator, not  
14 later than 180 days after the deadline specified in  
15 paragraph (1), shall update the process under sec-  
16 tion 333 of the FAA Modernization and Reform Act  
17 of 2012 (49 U.S.C. 40101 note) to facilitate applica-  
18 tions for unmanned aircraft systems operations de-  
19 scribed in this section.

20 (e) EXEMPTIONS.—In addition to the operations de-  
21 scribed in this section, the Administrator may authorize,  
22 exempt, or otherwise allow other unmanned aircraft sys-  
23 tems operations under section 333 of the FAA Moderniza-  
24 tion and Reform Act of 2012 (49 U.S.C. 40101 note) that  
25 are conducted beyond the visual line of sight of the indi-

1 vidual operating the unmanned aircraft system or during  
2 the day or at night.

3 **SEC. 2211. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND**  
4 **DEVELOPMENT ROADMAP.**

5 Section 332(a)(5) of the FAA Modernization and Re-  
6 form Act of 2012 (49 U.S.C. 40101 note) is amended—

7 (1) by inserting “, in coordination with the Ad-  
8 ministrator of the National Aeronautics and Space  
9 Administration (NASA) and relevant stakeholders,  
10 including those in industry and academia,” after  
11 “update”; and

12 (2) by inserting after “annually.” the following:

13 “The roadmap shall include, at a minimum—

14 “(A) cost estimates, planned schedules,  
15 and performance benchmarks, including specific  
16 tasks, milestones, and timelines, for unmanned  
17 aircraft systems integration into the national  
18 airspace system, including an identification of—

19 “(i) the role of the unmanned aircraft  
20 systems test ranges established under sub-  
21 section (c) and the Unmanned Aircraft  
22 Systems Center of Excellence;

23 “(ii) performance objectives for un-  
24 manned aircraft systems that operate in  
25 the national airspace system; and



1                   “(iii) research and development prior-  
2                   ities for tools that could assist air traffic  
3                   controllers as unmanned aircraft systems  
4                   are integrated into the national airspace  
5                   system, as appropriate;

6                   “(B) a description of how the Administra-  
7                   tion plans to use research and development, in-  
8                   cluding research and development conducted  
9                   through NASA’s Unmanned Aircraft Systems  
10                  Traffic Management initiatives, to accommo-  
11                  date, integrate, and provide for the evolution of  
12                  unmanned aircraft systems in the national air-  
13                  space system;

14                  “(C) an assessment of critical performance  
15                  abilities necessary to integrate unmanned air-  
16                  craft systems into the national airspace system,  
17                  and how these performance abilities can be  
18                  demonstrated; and

19                  “(D) an update on the advancement of  
20                  technologies needed to integrate unmanned air-  
21                  craft systems into the national airspace system,  
22                  including decisionmaking by adaptive systems,  
23                  such as sense-and-avoid capabilities and cyber  
24                  physical systems security.”.

1 **SEC. 2212. UNMANNED AIRCRAFT SYSTEMS-MANNED AIR-**  
2 **CRAFT COLLISION RESEARCH.**

3 (a) RESEARCH.—The Administrator of the Federal  
4 Aviation Administration (in this section referred to as the  
5 “Administrator”), in continuation of ongoing work, shall  
6 coordinate with the Administrator of the National Aero-  
7 nautics and Space Administration to develop a program  
8 to conduct comprehensive testing or modeling of un-  
9 manned aircraft systems colliding with various sized air-  
10 craft in various operational settings, as considered appro-  
11 priate by the Administrator, including—

12 (1) collisions between unmanned aircraft sys-  
13 tems of various sizes, traveling at various speeds,  
14 and jet aircraft of various sizes, traveling at various  
15 speeds;

16 (2) collisions between unmanned aircraft sys-  
17 tems of various sizes, traveling at various speeds,  
18 and propeller-driven aircraft of various sizes, trav-  
19 eling at various speeds;

20 (3) collisions between unmanned aircraft sys-  
21 tems of various sizes, traveling at various speeds,  
22 and rotorcraft of various sizes, traveling at various  
23 speeds; and

24 (4) collisions between unmanned aircraft sys-  
25 tems and various parts of the aforementioned air-  
26 craft, including—

- 1 (A) windshields;
- 2 (B) noses;
- 3 (C) engines;
- 4 (D) radomes;
- 5 (E) propellers; and
- 6 (F) wings.

7 (b) REPORT.—Not later than 1 year after the date  
8 of enactment of this Act, the Administrator shall transmit  
9 to the Committee on Science, Space, and Technology and  
10 the Committee on Transportation and Infrastructure of  
11 the House of Representatives and the Committee on Com-  
12 merce, Science, and Transportation of the Senate a report  
13 summarizing the costs and results of research under this  
14 section.

15 **SEC. 2213. PROBABILISTIC METRICS RESEARCH AND DE-**  
16 **VELOPMENT STUDY.**

17 (a) STUDY.—Not later than 30 days after the date  
18 of enactment of this Act, the Administrator of the Federal  
19 Aviation Administration shall enter into an arrangement  
20 with the National Academies to study the potential use  
21 of probabilistic assessments of risks by the Administration  
22 to streamline the integration of unmanned aircraft sys-  
23 tems into the national airspace system, including any re-  
24 search and development necessary.

(b) COMPLETION DATE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall provide the results of the study to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

## **Subtitle C—Time Sensitive Aviation Reforms**

### **SEC. 2301. SMALL AIRPORT RELIEF FOR SAFETY PROJECTS.**

Section 47114(c)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) SPECIAL RULE FOR FISCAL YEAR 2017.—Notwithstanding subparagraph (A), the Secretary shall apportion to a sponsor of an airport under that subparagraph for fiscal year 2017 an amount based on the number of passenger boardings at the airport during calendar year 2012 if the airport—

“(i) had 10,000 or more passenger boardings during calendar year 2012;

“(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2017 under subparagraph (A); and

1 “(iii) had scheduled air service at any  
2 point during the calendar year used to cal-  
3 culate the apportionment for fiscal year  
4 2017 under subparagraph (A).”.

5 **SEC. 2302. USE OF REVENUES AT PREVIOUSLY ASSOCIATED**  
6 **AIRPORT.**

7 Section 40117 of title 49, United States Code, is  
8 amended by adding at the end the following:

9 “(n) USE OF REVENUES AT PREVIOUSLY ASSOCI-  
10 ATED AIRPORT.—Notwithstanding the requirements relat-  
11 ing to airport control under subsection (b)(1), the Sec-  
12 retary may authorize use of a passenger facility charge  
13 under subsection (b) to finance an eligible airport-related  
14 project if—

15 “(1) the eligible agency seeking to impose the  
16 new charge controls an airport where a \$2.00 pas-  
17 senger facility charge became effective on January 1,  
18 2013; and

19 “(2) the location of the project to be financed  
20 by the new charge is at an airport that was under  
21 the control of the same eligible agency that had con-  
22 trolled the airport described in paragraph (1).”.

1   **SEC. 2303. WORKING GROUP ON IMPROVING AIR SERVICE**  
2                   **TO SMALL COMMUNITIES.**

3           (a) IN GENERAL.—Not later than 120 days after the  
4   date of enactment of this Act, the Secretary of Transpor-  
5   tation shall establish a working group—

6               (1) to identify obstacles to attracting and main-  
7               taining air transportation service to and from small  
8               communities; and

9               (2) to develop recommendations for maintaining  
10              and improving air transportation service to and from  
11              small communities.

12          (b) OUTREACH.—In carrying out subsection (a), the  
13   working group shall consult with—

14               (1) interested Governors;

15               (2) representatives of State and local agencies,  
16              and other officials and groups, representing rural  
17              States and other rural areas;

18               (3) other representatives of relevant State and  
19              local agencies; and

20               (4) members of the public with experience in  
21              aviation safety, pilot training, economic development,  
22              and related issues.

23          (c) CONSIDERATIONS.—In carrying out subsection  
24   (a), the working group shall—

25               (1) consider whether funding for, and the terms  
26              of, current or potential new programs are sufficient

1 to help ensure continuation of or improvement to air  
2 transportation service to small communities, includ-  
3 ing the essential air service program and the small  
4 community air service development program;

5 (2) identify initiatives to help support pilot  
6 training and aviation safety to maintain air trans-  
7 portation service to small communities;

8 (3) consider whether Federal funding for air-  
9 ports serving small communities, including airports  
10 that have lost air transportation services or had de-  
11 creased enplanements in recent years, is adequate to  
12 ensure that small communities have access to qual-  
13 ity, affordable air transportation service;

14 (4) identify innovative State or local efforts that  
15 have established public-private partnerships that are  
16 successful in attracting and retaining air transpor-  
17 tation service in small communities; and

18 (5) consider such other issues as the Secretary  
19 considers appropriate.

20 (d) COMPOSITION.—

21 (1) IN GENERAL.—The working group shall be  
22 facilitated through the Secretary or the Secretary's  
23 designee.

1           (2) MEMBERSHIP.—Members of the working  
2       group shall be appointed by the Secretary and shall  
3       include representatives of—

4                   (A) State and local government, including  
5       State and local aviation officials;

6                   (B) State Governors;

7                   (C) aviation safety experts;

8                   (D) economic development officials; and

9                   (E) the traveling public from small com-  
10      munities.

11       (e) REPORT AND RECOMMENDATIONS.—Not later  
12      than 1 year after the date of enactment of this Act, the  
13      Secretary shall submit to the appropriate committees of  
14      Congress a report, including—

15                   (1) a summary of the views expressed by the  
16      participants in the outreach under subsection (b);

17                   (2) a description of the working group’s find-  
18      ings, including the identification of any areas of gen-  
19      eral consensus among the non-Federal participants  
20      in the outreach under subsection (b); and

21                   (3) any recommendations for legislative or regu-  
22      latory action that would assist in maintaining and  
23      improving air transportation service to and from  
24      small communities.



1   **SEC. 2304. COMPUTATION OF BASIC ANNUITY FOR CERTAIN**  
2                   **AIR TRAFFIC CONTROLLERS.**

3           (a) IN GENERAL.—Section 8415(f) of title 5, United  
4 States Code, is amended to read as follows:

5           “(f) The annuity of an air traffic controller or former  
6 air traffic controller retiring under section 8412(a) is com-  
7 puted under subsection (a), except that if the individual  
8 has at least 5 years of service in any combination as—

9                   “(1) an air traffic controller as defined by sec-  
10 tion 2109(1)(A)(i);

11                   “(2) a first level supervisor of an air traffic  
12 controller as defined by section 2109(1)(A)(i); or

13                   “(3) a second level supervisor of an air traffic  
14 controller as defined by section 2109(1)(A)(i);

15 so much of the annuity as is computed with respect to  
16 such type of service shall be computed by multiplying 1  
17 7/10 percent of the individual’s average pay by the years  
18 of such service.”.

19           (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall be deemed to be effective on December  
21 12, 2003.

22           (c) PROCEDURES REQUIRED.—The Director of the  
23 Office of Personnel Management shall establish such pro-  
24 cedures as are necessary to provide for—

25                   (1) notification to each annuitant affected by  
26 the amendments made by this section;

1           (2) recalculation of the benefits of affected an-  
2       nuitants;

3           (3) an adjustment to applicable monthly benefit  
4       amounts pursuant to such recalculation, to begin as  
5       soon as is practicable; and

6           (4) a lump-sum payment to each affected annu-  
7       itant equal to the additional total benefit amount  
8       that such annuitant would have received had the  
9       amendment made by subsection (a) been in effect on  
10      December 12, 2003.

11 **SEC. 2305. REFUNDS FOR DELAYED BAGGAGE.**

12       (a) IN GENERAL.—Not later than 1 year after the  
13      date of enactment of this Act, the Secretary of Transpor-  
14      tation shall issue final regulations to require an air carrier  
15      or foreign air carrier to promptly provide to a passenger  
16      an automated refund for any ancillary fees paid by the  
17      passenger for checked baggage if—

18           (1) the air carrier or foreign air carrier fails to  
19      deliver the checked baggage to the passenger—

20           (A) not later than 12 hours after the ar-  
21      rival of a domestic flight; or

22           (B) not later than 15 hours after the ar-  
23      rival of an international flight; and

1           (2) the passenger has notified the air carrier or  
2           foreign air carrier of the lost or delayed checked  
3           baggage.

4           (b) EXCEPTION.—If, as part of the rulemaking, the  
5           Secretary makes a determination on the record that a re-  
6           quirement under subsection (a) is not feasible and would  
7           adversely affect consumers in certain cases, the Secretary  
8           may modify 1 or both of the deadlines specified in sub-  
9           section (a)(1) for such cases, except that—

10           (1) the deadline relating to a domestic flight  
11           may not exceed 18 hours after the arrival of the do-  
12           mestic flight; and

13           (2) the deadline relating to an international  
14           flight may not exceed 30 hours after the arrival of  
15           the international flight.

16   **SEC. 2306. CONTRACT WEATHER OBSERVERS.**

17           (a) IN GENERAL.—Not later than 1 year after the  
18           date of enactment of this Act, the Administrator of the  
19           Federal Aviation Administration shall submit to the ap-  
20           propriate committees of Congress a report, which includes  
21           public and stakeholder input—

22           (1) examining the safety risks, hazard effects,  
23           and efficiency and operational effects for airports,  
24           airlines, and other stakeholders that could result

1 from a loss of contract weather observer service at  
2 the 57 airports targeted for the loss of the service;

3 (2) detailing how the Federal Aviation Adminis-  
4 tration will accurately report rapidly changing severe  
5 weather conditions at the airports, including thun-  
6 derstorms, lightning, fog, visibility, smoke, dust,  
7 haze, cloud layers and ceilings, ice pellets, and freez-  
8 ing rain or drizzle, without contract weather observ-  
9 ers;

10 (3) indicating how airports can comply with ap-  
11 plicable Federal Aviation Administration orders gov-  
12 erning weather observations given the current docu-  
13 mented limitations of automated surface observing  
14 systems; and

15 (4) identifying the process through which the  
16 Federal Aviation Administration analyzed the safety  
17 hazards associated with the elimination of the con-  
18 tract weather observer program.

19 (b) CONTINUED USE OF CONTRACT WEATHER OB-  
20 SERVERS.—The Administrator may not discontinue the  
21 contract weather observer program at any airport until  
22 October 1, 2017.

1 **SEC. 2307. MEDICAL CERTIFICATION OF CERTAIN SMALL**  
2 **AIRCRAFT PILOTS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Administrator of the  
5 Federal Aviation Administration shall issue or revise regu-  
6 lations to ensure that an individual may operate as pilot  
7 in command of a covered aircraft if—

8 (1) the individual possesses a valid driver's li-  
9 cense issued by a State, territory, or possession of  
10 the United States and complies with all medical re-  
11 quirements or restrictions associated with that li-  
12 cense;

13 (2) the individual holds a medical certificate  
14 issued by the Federal Aviation Administration on  
15 the date of enactment of this Act, held such a cer-  
16 tificate at any point during the 10-year period pre-  
17 ceding such date of enactment, or obtains such a  
18 certificate after such date of enactment;

19 (3) the most recent medical certificate issued by  
20 the Federal Aviation Administration to the indi-  
21 vidual—

22 (A) indicates whether the certificate is  
23 first, second, or third class;

24 (B) may include authorization for special  
25 issuance;

26 (C) may be expired;

1 (D) cannot have been revoked or sus-  
2 pended; and

3 (E) cannot have been withdrawn;

4 (4) the most recent application for airman med-  
5 ical certification submitted to the Federal Aviation  
6 Administration by the individual cannot have been  
7 completed and denied;

8 (5) the individual has completed a medical edu-  
9 cation course described in subsection (c) during the  
10 24 calendar months before acting as pilot in com-  
11 mand of a covered aircraft and demonstrates proof  
12 of completion of the course;

13 (6) the individual, when serving as a pilot in  
14 command, is under the care and treatment of a phy-  
15 sician if the individual has been diagnosed with any  
16 medical condition that may impact the ability of the  
17 individual to fly;

18 (7) the individual has received a comprehensive  
19 medical examination from a State-licensed physician  
20 during the previous 48 months and—

21 (A) prior to the examination, the indi-  
22 vidual—

23 (i) completed the individual's section  
24 of the checklist described in subsection (b);  
25 and

1 (ii) provided the completed checklist  
2 to the physician performing the examina-  
3 tion; and

4 (B) the physician conducted the com-  
5 prehensive medical examination in accordance  
6 with the checklist described in subsection (b),  
7 checking each item specified during the exam-  
8 ination and addressing, as medically appro-  
9 priate, every medical condition listed, and any  
10 medications the individual is taking; and

11 (8) the individual is operating in accordance  
12 with the following conditions:

13 (A) The covered aircraft is carrying not  
14 more than 5 passengers.

15 (B) The individual is operating the covered  
16 aircraft under visual flight rules or instrument  
17 flight rules.

18 (C) The flight, including each portion of  
19 that flight, is not carried out—

20 (i) for compensation or hire, including  
21 that no passenger or property on the flight  
22 is being carried for compensation or hire;

23 (ii) at an altitude that is more than  
24 18,000 feet above mean sea level;

1 (iii) outside the United States, unless  
2 authorized by the country in which the  
3 flight is conducted; or

4 (iv) at an indicated air speed exceed-  
5 ing 250 knots.

6 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

7 (1) IN GENERAL.—Not later than 180 days  
8 after the date of enactment of this Act, the Adminis-  
9 trator shall develop a checklist for an individual to  
10 complete and provide to the physician performing  
11 the comprehensive medical examination required in  
12 subsection (a)(7).

13 (2) REQUIREMENTS.—The checklist shall con-  
14 tain—

15 (A) a section, for the individual to com-  
16 plete that contains—

17 (i) boxes 3 through 13 and boxes 16  
18 through 19 of the Federal Aviation Admin-  
19 istration Form 8500–8 (3–99); and

20 (ii) a signature line for the individual  
21 to affirm that—

22 (I) the answers provided by the  
23 individual on that checklist, including  
24 the individual's answers regarding



1 medical history, are true and com-  
2 plete;

3 (II) the individual understands  
4 that he or she is prohibited under  
5 Federal Aviation Administration regu-  
6 lations from acting as pilot in com-  
7 mand, or any other capacity as a re-  
8 quired flight crew member, if he or  
9 she knows or has reason to know of  
10 any medical deficiency or medically  
11 disqualifying condition that would  
12 make the individual unable to operate  
13 the aircraft in a safe manner; and

14 (III) the individual is aware of  
15 the regulations pertaining to the pro-  
16 hibition on operations during medical  
17 deficiency and has no medically dis-  
18 qualifying conditions in accordance  
19 with applicable law;

20 (B) a section with instructions for the indi-  
21 vidual to provide the completed checklist to the  
22 physician performing the comprehensive medical  
23 examination required in subsection (a)(7); and

24 (C) a section, for the physician to com-  
25 plete, that instructs the physician—

- 1 (i) to perform a clinical examination  
2 of—
- 3 (I) head, face, neck, and scalp;  
4 (II) nose, sinuses, mouth, and  
5 throat;  
6 (III) ears, general (internal and  
7 external canals), and eardrums (per-  
8 foration);  
9 (IV) eyes (general),  
10 ophthalmoscopic, pupils (equality and  
11 reaction), and ocular motility (associ-  
12 ated parallel movement, nystagmus);  
13 (V) lungs and chest (not includ-  
14 ing breast examination);  
15 (VI) heart (precordial activity,  
16 rhythm, sounds, and murmurs);  
17 (VII) vascular system (pulse, am-  
18 plitude, and character, and arms, legs,  
19 and others);  
20 (VIII) abdomen and viscera (in-  
21 cluding hernia);  
22 (IX) anus (not including digital  
23 examination);  
24 (X) skin;

- 1 (XI) G–U system (not including
- 2 pelvic examination);
- 3 (XII) upper and lower extrem-
- 4 ities (strength and range of motion);
- 5 (XIII) spine and other musculo-
- 6 skeletal;
- 7 (XIV) identifying body marks,
- 8 scars, and tattoos (size and location);
- 9 (XV) lymphatics;
- 10 (XVI) neurologic (tendon re-
- 11 flexes, equilibrium, senses, cranial
- 12 nerves, and coordination, etc.);
- 13 (XVII) psychiatric (appearance,
- 14 behavior, mood, communication, and
- 15 memory);
- 16 (XVIII) general systemic;
- 17 (XIX) hearing;
- 18 (XX) vision (distant, near, and
- 19 intermediate vision, field of vision,
- 20 color vision, and ocular alignment);
- 21 (XXI) blood pressure and pulse;
- 22 and
- 23 (XXII) anything else the physi-
- 24 cian, in his or her medical judgment,
- 25 considers necessary;

1           (ii) to exercise medical discretion to  
2           address, as medically appropriate, any  
3           medical conditions identified, and to exer-  
4           cise medical discretion in determining  
5           whether any medical tests are warranted  
6           as part of the comprehensive medical ex-  
7           amination;

8           (iii) to discuss all drugs the individual  
9           reports taking (prescription and non-  
10          prescription) and their potential to inter-  
11          fere with the safe operation of an aircraft  
12          or motor vehicle;

13          (iv) to sign the checklist, stating: “I  
14          certify that I discussed all items on this  
15          checklist with the individual during my ex-  
16          amination, discussed any medications the  
17          individual is taking that could interfere  
18          with their ability to safely operate an air-  
19          craft or motor vehicle, and performed an  
20          examination that included all of the items  
21          on this checklist. I certify that I am not  
22          aware of any medical condition that, as  
23          presently treated, could interfere with the  
24          individual’s ability to safely operate an air-  
25          craft.”; and

1 (v) to provide the date the comprehen-  
2 sive medical examination was completed,  
3 and the physician's full name, address,  
4 telephone number, and State medical li-  
5 cense number.

6 (3) LOGBOOK.—The completed checklist shall  
7 be retained in the individual's logbook and made  
8 available on request.

9 (c) MEDICAL EDUCATION COURSE REQUIRE-  
10 MENTS.—The medical education course described in this  
11 subsection shall—

12 (1) be available on the Internet free of charge;

13 (2) be developed and periodically updated in co-  
14 ordination with representatives of relevant nonprofit  
15 and not-for-profit general aviation stakeholder  
16 groups;

17 (3) educate pilots on conducting medical self-as-  
18 sessments;

19 (4) advise pilots on identifying warning signs of  
20 potential serious medical conditions;

21 (5) identify risk mitigation strategies for med-  
22 ical conditions;

23 (6) increase awareness of the impacts of poten-  
24 tially impairing over-the-counter and prescription  
25 drug medications;

1           (7) encourage regular medical examinations and  
2       consultations with primary care physicians;

3           (8) inform pilots of the regulations pertaining  
4       to the prohibition on operations during medical defi-  
5       ciency and medically disqualifying conditions;

6           (9) provide the checklist developed by the Fed-  
7       eral Aviation Administration in accordance with sub-  
8       section (b); and

9           (10) upon successful completion of the course,  
10      electronically provide to the individual and transmit  
11      to the Federal Aviation Administration—

12           (A) a certification of completion of the  
13      medical education course, which shall be printed  
14      and retained in the individual's logbook and  
15      made available upon request, and shall contain  
16      the individual's name, address, and airman cer-  
17      tificate number;

18           (B) subject to subsection (d), a release au-  
19      thorizing the National Driver Register through  
20      a designated State Department of Motor Vehi-  
21      cles to furnish to the Federal Aviation Adminis-  
22      tration information pertaining to the individ-  
23      ual's driving record;

24           (C) a certification by the individual that  
25      the individual is under the care and treatment

1 of a physician if the individual has been diag-  
2 nosed with any medical condition that may im-  
3 pact the ability of the individual to fly, as re-  
4 quired under subsection (a)(6);

5 (D) a form that includes—

6 (i) the name, address, telephone num-  
7 ber, and airman certificate number of the  
8 individual;

9 (ii) the name, address, telephone num-  
10 ber, and State medical license number of  
11 the physician performing the comprehen-  
12 sive medical examination required in sub-  
13 section (a)(7);

14 (iii) the date of the comprehensive  
15 medical examination required in subsection  
16 (a)(7); and

17 (iv) a certification by the individual  
18 that the checklist described in subsection  
19 (b) was followed and signed by the physi-  
20 cian in the comprehensive medical exam-  
21 ination required in subsection (a)(7); and

22 (E) a statement, which shall be printed,  
23 and signed by the individual certifying that the  
24 individual understands the existing prohibition  
25 on operations during medical deficiency by stat-

1           ing: “I understand that I cannot act as pilot in  
2           command, or any other capacity as a required  
3           flight crew member, if I know or have reason to  
4           know of any medical condition that would make  
5           me unable to operate the aircraft in a safe  
6           manner.”.

7           (d) NATIONAL DRIVER REGISTER.—The authoriza-  
8           tion under subsection (c)(10)(B) shall be an authorization  
9           for a single access to the information contained in the Na-  
10          tional Driver Register.

11          (e) SPECIAL ISSUANCE PROCESS.—

12           (1) IN GENERAL.—An individual who has quali-  
13           fied for the third-class medical certificate exemption  
14           under subsection (a) and is seeking to serve as a  
15           pilot in command of a covered aircraft shall be re-  
16           quired to have completed the process for obtaining  
17           an Authorization for Special Issuance of a Medical  
18           Certificate for each of the following:

19           (A) A mental health disorder, limited to an  
20           established medical history or clinical diagnosis  
21           of—

22           (i) personality disorder that is severe  
23           enough to have repeatedly manifested itself  
24           by overt acts;



1 (ii) psychosis, defined as a case in  
2 which an individual—

3 (I) has manifested delusions, hal-  
4 lucinations, grossly bizarre or disorga-  
5 nized behavior, or other commonly ac-  
6 cepted symptoms of psychosis; or

7 (II) may reasonably be expected  
8 to manifest delusions, hallucinations,  
9 grossly bizarre or disorganized behav-  
10 ior, or other commonly accepted  
11 symptoms of psychosis;

12 (iii) bipolar disorder; or

13 (iv) substance dependence within the  
14 previous 2 years, as defined in section  
15 67.307(a)(4) of title 14, Code of Federal  
16 Regulations.

17 (B) A neurological disorder, limited to an  
18 established medical history or clinical diagnosis  
19 of any of the following:

20 (i) Epilepsy.

21 (ii) Disturbance of consciousness with-  
22 out satisfactory medical explanation of the  
23 cause.

1 (iii) A transient loss of control of  
2 nervous system functions without satisfac-  
3 tory medical explanation of the cause.

4 (C) A cardiovascular condition, limited to a  
5 one-time special issuance for each diagnosis of  
6 the following:

7 (i) Myocardial infraction.

8 (ii) Coronary heart disease that has  
9 required treatment.

10 (iii) Cardiac valve replacement.

11 (iv) Heart replacement.

12 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-  
13 DITIONS.—In the case of an individual with a car-  
14 diovascular condition, the process for obtaining an  
15 Authorization for Special Issuance of a Medical Cer-  
16 tificate shall be satisfied with the successful comple-  
17 tion of an appropriate clinical evaluation without a  
18 mandatory wait period.

19 (3) SPECIAL RULE FOR MENTAL HEALTH CON-  
20 DITIONS.—

21 (A) IN GENERAL.—In the case of an indi-  
22 vidual with a clinically diagnosed mental health  
23 condition, the third-class medical certificate ex-  
24 emption under subsection (a) shall not apply  
25 if—

1 (i) in the judgment of the individual's  
2 State-licensed medical specialist, the condi-  
3 tion—

4 (I) renders the individual unable  
5 to safely perform the duties or exer-  
6 cise the airman privileges described in  
7 subsection (a)(8); or

8 (II) may reasonably be expected  
9 to make the individual unable to per-  
10 form the duties or exercise the privi-  
11 leges described in subsection (a)(8); or

12 (ii) the individual's driver's license is  
13 revoked by the issuing agency as a result  
14 of a clinically diagnosed mental health con-  
15 dition.

16 (B) CERTIFICATION.—Subject to subpara-  
17 graph (A), an individual clinically diagnosed  
18 with a mental health condition shall certify  
19 every 2 years, in conjunction with the certifi-  
20 cation under subsection (c)(10)(C), that the in-  
21 dividual is under the care of a State-licensed  
22 medical specialist for that mental health condi-  
23 tion.

24 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-  
25 TIONS.—

1 (A) IN GENERAL.—In the case of an indi-  
2 vidual with a clinically diagnosed neurological  
3 condition, the third-class medical certificate ex-  
4 emption under subsection (a) shall not apply  
5 if—

6 (i) in the judgment of the individual's  
7 State-licensed medical specialist, the condi-  
8 tion—

9 (I) renders the individual unable  
10 to safely perform the duties or exer-  
11 cise the airman privileges described in  
12 subsection (a)(8); or

13 (II) may reasonably be expected  
14 to make the individual unable to per-  
15 form the duties or exercise the privi-  
16 leges described in subsection (a)(8); or

17 (ii) the individual's driver's license is  
18 revoked by the issuing agency as a result  
19 of a clinically diagnosed neurological condi-  
20 tion.

21 (B) CERTIFICATION.—Subject to subpara-  
22 graph (A), an individual clinically diagnosed  
23 with a neurological condition shall certify every  
24 2 years, in conjunction with the certification  
25 under subsection (c)(10)(C), that the individual

1 is under the care of a State-licensed medical  
2 specialist for that neurological condition.

3 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-  
4 DITIONS FOR CACI PROGRAM.—

5 (1) IN GENERAL.—Not later than 180 days  
6 after the date of enactment of this Act, the Adminis-  
7 trator shall review and identify additional medical  
8 conditions that could be added to the program  
9 known as the Conditions AMEs Can Issue (CACI)  
10 program.

11 (2) CONSULTATIONS.—In carrying out para-  
12 graph (1), the Administrator shall consult with avia-  
13 tion, medical, and union stakeholders.

14 (3) REPORT REQUIRED.—Not later than 180  
15 days after the date of enactment of this Act, the Ad-  
16 ministrator shall submit to the appropriate commit-  
17 tees of Congress a report listing the medical condi-  
18 tions that have been added to the CACI program  
19 under paragraph (1).

20 (g) EXPEDITED AUTHORIZATION FOR SPECIAL  
21 ISSUANCE OF A MEDICAL CERTIFICATE.—

22 (1) IN GENERAL.—The Administrator shall im-  
23 plement procedures to expedite the process for ob-  
24 taining an Authorization for Special Issuance of a

1 Medical Certificate under section 67.401 of title 14,  
2 Code of Federal Regulations.

3 (2) CONSULTATIONS.—In carrying out para-  
4 graph (1), the Administrator shall consult with avia-  
5 tion, medical, and union stakeholders.

6 (3) REPORT REQUIRED.—Not later than 1 year  
7 after the date of enactment of this Act, the Adminis-  
8 trator shall submit to the appropriate committees of  
9 Congress a report describing how the procedures im-  
10 plemented under paragraph (1) will streamline the  
11 process for obtaining an Authorization for Special  
12 Issuance of a Medical Certificate and reduce the  
13 amount of time needed to review and decide special  
14 issuance cases.

15 (h) REPORT REQUIRED.—Not later than 5 years  
16 after the date of enactment of this Act, the Administrator,  
17 in coordination with the National Transportation Safety  
18 Board, shall submit to the appropriate committees of Con-  
19 gress a report that describes the effect of the regulations  
20 issued or revised under subsection (a) and includes statis-  
21 tics with respect to changes in small aircraft activity and  
22 safety incidents.

23 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-  
24 ginning on the date that is 1 year after the date of enact-  
25 ment of this Act, the Administrator may not take an en-

1    forcement action for not holding a valid third-class med-  
2    ical certificate against a pilot of a covered aircraft for a  
3    flight if the pilot and the flight meet, through a good faith  
4    effort, the applicable requirements under subsection (a),  
5    except paragraph (5) of that subsection, unless the Ad-  
6    ministrators has published final regulations in the Federal  
7    Register under that subsection.

8           (j) COVERED AIRCRAFT DEFINED.—In this section,  
9    the term “covered aircraft” means an aircraft that—

10           (1) is authorized under Federal law to carry not  
11           more than 6 occupants; and

12           (2) has a maximum certificated takeoff weight  
13           of not more than 6,000 pounds.

14           (k) OPERATIONS COVERED.—The provisions and re-  
15    quirements covered in this section do not apply to pilots  
16    who elect to operate under the medical requirements under  
17    subsection (b) or subsection (c) of section 61.23 of title  
18    14, Code of Federal Regulations.

19           (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-  
20    TION.—

21           (1) IN GENERAL.—If the Administrator receives  
22    credible or urgent information, including from the  
23    National Driver Register or the Administrator’s  
24    Safety Hotline, that reflects on an individual’s abil-  
25    ity to safely operate a covered aircraft under the

1       third-class medical certificate exemption in sub-  
2       section (a), the Administrator may require the indi-  
3       vidual to provide additional information or history so  
4       that the Administrator may determine whether the  
5       individual is safe to continue operating a covered  
6       aircraft.

7               (2) USE OF INFORMATION.—The Administrator  
8       may use credible or urgent information received  
9       under paragraph (1) to request an individual to pro-  
10      vide additional information or to take actions under  
11      section 44709(b) of title 49, United States Code.

12   **SEC. 2308. TARMAC DELAYS.**

13      (a) DEPLANING FOLLOWING EXCESSIVE TARMAC  
14      DELAY.—Section 42301(b)(3) of title 49, United States  
15      Code, is amended—

16              (1) by redesignating subparagraph (C) as sub-  
17      paragraph (D);

18              (2) by inserting after subparagraph (B) the fol-  
19      lowing:

20                      “(C) In providing the option described in  
21                      subparagraph (A), the air carrier shall begin to  
22                      return the aircraft to a suitable disembarkation  
23                      point—

24                              “(i) in the case of a flight in inter-  
25                              state air transportation, not later than 3



1 hours after the main aircraft door is closed  
2 in preparation for departure; and

3 “(ii) in the case of a flight in foreign  
4 air transportation, not later than 4 hours  
5 after the main aircraft door is closed in  
6 preparation for departure.”; and

7 (3) in subparagraph (D) (as redesignated by  
8 paragraph (1) of this subsection) by striking “sub-  
9 paragraphs (A) and (B)” and inserting “subpara-  
10 graphs (A), (B), and (C)”.

11 (b) EXCESSIVE TARMAC DELAY DEFINED.—Section  
12 42301(i)(4) of title 49, United States Code, is amended  
13 to read as follows:

14 “(4) EXCESSIVE TARMAC DELAY.—The term  
15 ‘excessive tarmac delay’ means a tarmac delay of  
16 more than—

17 “(A) 3 hours for a flight in interstate air  
18 transportation; or

19 “(B) 4 hours for a flight in foreign air  
20 transportation.”.

21 (c) REGULATIONS.—Not later than 90 days after the  
22 date of enactment of this section, the Secretary of Trans-  
23 portation shall issue regulations and take other actions  
24 necessary to carry out the amendments made by this sec-  
25 tion.

1   **SEC. 2309. FAMILY SEATING.**

2           (a) IN GENERAL.—Not later than 1 year after the  
3   date of enactment of this Act, the Secretary of Transpor-  
4   tation shall review and, if appropriate, establish a policy  
5   directing all air carriers providing scheduled passenger  
6   interstate or intrastate air transportation to establish poli-  
7   cies that enable a child, who is age 13 or under on the  
8   date an applicable flight is scheduled to occur, to be seated  
9   in a seat adjacent to the seat of an accompanying family  
10  member over the age of 13, to the maximum extent prac-  
11  ticable and at no additional cost, except when assignment  
12  to an adjacent seat would require an upgrade to another  
13  cabin class or a seat with extra legroom or seat pitch for  
14  which additional payment is normally required.

15          (b) EFFECT ON AIRLINE BOARDING AND SEATING  
16  POLICIES.—When considering any new policy under this  
17  section, the Secretary shall consider the traditional seating  
18  and boarding policies of air carriers providing scheduled  
19  passenger interstate or intrastate air transportation and  
20  whether those policies generally allow families to sit to-  
21  gether.

22          (c) STATUTORY CONSTRUCTION.—Notwithstanding  
23  the requirement in subsection (a), nothing in this section  
24  may be construed to allow the Secretary to impose a sig-  
25  nificant change in the overall seating or boarding policy  
26  of an air carrier providing scheduled passenger interstate

1 or intrastate air transportation that has an open or flexi-  
2 ble seating policy in place that generally allows adjacent  
3 family seating as described in subsection (a).

## 4 **TITLE III—AVIATION SECURITY**

### 5 **SEC. 3001. SHORT TITLE.**

6 This title may be cited as the “Aviation Security Act  
7 of 2016”.

### 8 **SEC. 3002. DEFINITIONS.**

9 In this title:

10 (1) ADMINISTRATOR.—The term “Adminis-  
11 trator” means the Administrator of the Transpor-  
12 tation Security Administration.

13 (2) DEPARTMENT.—The term “Department”  
14 means the Department of Homeland Security.

15 (3) PRECHECK PROGRAM.—The term  
16 “PreCheck Program” means the trusted traveler  
17 program implemented by the Transportation Secu-  
18 rity Administration under section 109(a)(3) of the  
19 Aviation and Transportation Security Act (Public  
20 Law 107–71; 49 U.S.C. 114 note).

21 (4) TSA.—The term “TSA” means the Trans-  
22 portation Security Administration.

1                   **Subtitle A—TSA PreCheck**  
2                                   **Expansion**

3   **SEC. 3101. PRECHECK PROGRAM AUTHORIZATION.**

4           The Administrator shall continue to administer the  
5   PreCheck Program.

6   **SEC. 3102. PRECHECK PROGRAM ENROLLMENT EXPAN-**  
7                                   **SION.**

8           (a) IN GENERAL.—Not later than 90 days after the  
9   date of enactment of this Act, the Administrator shall  
10   publish PreCheck Program enrollment standards that add  
11   multiple private sector application capabilities for the  
12   PreCheck Program to increase the public’s enrollment ac-  
13   cess to the program, including standards that allow the  
14   use of secure technologies, including online enrollment, ki-  
15   osks, tablets, or staffed laptop stations at which individ-  
16   uals can apply for entry into the program.

17          (b) REQUIREMENTS.—Upon publication of the  
18   PreCheck Program enrollment standards under subsection  
19   (a), the Administrator shall—

20               (1) coordinate with interested parties—

21                       (A) to deploy TSA-approved ready-to-mar-  
22                       ket private sector solutions that meet the  
23                       PreCheck Program enrollment standards under  
24                       such subsection;

1 (B) to make available additional PreCheck  
2 Program enrollment capabilities; and

3 (C) to offer secure online and mobile en-  
4rollment opportunities;

5 (2) partner with the private sector to collect  
6 biographic and biometric identification information  
7 via kiosks, mobile devices, or other mobile enroll-  
8ment platforms to increase enrollment flexibility and  
9 minimize the amount of travel to enrollment centers  
10 for applicants;

11 (3) ensure that any information, including bio-  
12 graphic information, is collected in a manner that—

13 (A) is comparable with the appropriate and  
14 applicable standards developed by the National  
15 Institute of Standards and Technology; and

16 (B) protects privacy and data security, in-  
17 cluding that any personally identifiable informa-  
18 tion is collected, retained, used, and shared in  
19 a manner consistent with section 552a of title  
20 5, United States Code (commonly known as  
21 “Privacy Act of 1974”), and with agency regu-  
22 lations;

23 (4) ensure that the enrollment process is  
24 streamlined and flexible to allow an individual to

1 provide additional information to complete enroll-  
2 ment and verify identity;

3 (5) ensure that any enrollment expansion using  
4 a private sector risk assessment instead of a finger-  
5 print-based criminal history records check is evalu-  
6 ated and certified by the Secretary of Homeland Se-  
7 curity, and verified by the Government Account-  
8 ability Office or a federally funded research and de-  
9 velopment center after award to be equivalent to a  
10 fingerprint-based criminal history records check con-  
11 ducted through the Federal Bureau of Investigation  
12 with respect to the effectiveness of identifying indi-  
13 viduals who are not qualified to participate in the  
14 PreCheck Program due to disqualifying criminal his-  
15 tory; and

16 (6) ensure that the Secretary has certified that  
17 reasonable procedures are in place with regard to  
18 the accuracy, relevancy, and proper utilization of in-  
19 formation employed in private sector risk assess-  
20 ments.

21 (c) **MARKETING OF PRECHECK PROGRAM.**—Upon  
22 publication of PreCheck Program enrollment standards  
23 under subsection (a), the Administrator shall—

24 (1) in accordance with such standards, develop  
25 and implement—

1 (A) a continual process, including an asso-  
2 ciated timeframe, for approving private sector  
3 marketing of the PreCheck Program; and

4 (B) a long-term strategy for partnering  
5 with the private sector to encourage enrollment  
6 in such program;

7 (2) submit to Congress, at the end of each fis-  
8 cal year, a report on any PreCheck Program applica-  
9 tion fees collected in excess of the costs of admin-  
10 istering the program, including to assess the feasi-  
11 bility of the program, for such fiscal year, and rec-  
12 ommendations for using such fees to support mar-  
13 keting of the program.

14 (d) IDENTITY VERIFICATION ENHANCEMENT.—Not  
15 later than 120 days after the date of enactment of this  
16 Act, the Administrator shall—

17 (1) coordinate with the heads of appropriate  
18 components of the Department to leverage Depart-  
19 ment-held data and technologies to verify the citizen-  
20 ship of individuals enrolling in the PreCheck Pro-  
21 gram;

22 (2) partner with the private sector to use bio-  
23 metrics and authentication standards, such as rel-  
24 evant standards developed by the National Institute

1 of Standards and Technology, to facilitate enroll-  
2 ment in the program; and

3 (3) consider leveraging the existing resources  
4 and abilities of airports to conduct fingerprint and  
5 background checks to expedite identity verification.

6 (e) PRECHECK PROGRAM LANES OPERATION.—The  
7 Administrator shall—

8 (1) ensure that PreCheck Program screening  
9 lanes are open and available during peak and high-  
10 volume travel times at appropriate airports to indi-  
11 viduals enrolled in the PreCheck Program; and

12 (2) make every practicable effort to provide ex-  
13 pedited screening at standard screening lanes during  
14 times when PreCheck Program screening lanes are  
15 closed to individuals enrolled in the program in  
16 order to maintain operational efficiency.

17 (f) VETTING FOR PRECHECK PROGRAM PARTICI-  
18 PANTS.—Not later than 90 days after the date of enact-  
19 ment of this Act, the Administrator shall initiate an as-  
20 sessment to identify any security vulnerabilities in the vet-  
21 ting process for the PreCheck Program, including deter-  
22 mining whether subjecting PreCheck Program partici-  
23 pants to recurrent fingerprint-based criminal history  
24 records checks, in addition to recurrent checks against the



1 terrorist watchlist, could be done in a cost-effective man-  
2 ner to strengthen the security of the PreCheck Program.

3 **Subtitle B—Securing Aviation**  
4 **From Foreign Entry Points and**  
5 **Guarding Airports Through En-**  
6 **hanced Security**

7 **SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY**  
8 **ASSESSMENT.**

9 (a) IN GENERAL.—Not later than 180 days after the  
10 date of enactment of this Act, the Administrator shall con-  
11 duct a comprehensive security risk assessment of all last  
12 point of departure airports with nonstop flights to the  
13 United States.

14 (b) CONTENTS.—The security risk assessment re-  
15 quired under subsection (a) shall include consideration of  
16 the following:

17 (1) The level of coordination and cooperation  
18 between the TSA and the foreign government of the  
19 country in which the last point of departure airport  
20 with nonstop flights to the United States is located.

21 (2) The intelligence and threat mitigation capa-  
22 bilities of the country in which such airport is lo-  
23 cated.

24 (3) The number of known or suspected terror-  
25 ists annually transiting through such airport.

1           (4) The degree to which the foreign government  
2           of the country in which such airport is located man-  
3           dates, encourages, or prohibits the collection, anal-  
4           ysis, and sharing of passenger name records.

5           (5) The passenger security screening practices,  
6           capabilities, and capacity of such airport.

7           (6) The security vetting undergone by aviation  
8           workers at such airport.

9           (7) The access controls utilized by such airport  
10          to limit to authorized personnel access to secure and  
11          sterile areas of such airports.

12 **SEC. 3202. SECURITY COORDINATION ENHANCEMENT**  
13 **PLAN.**

14          (a) IN GENERAL.—Not later than 240 days after the  
15          date of enactment of this Act, the Administrator shall sub-  
16          mit to Congress and the Government Accountability Office  
17          a plan—

18               (1) to enhance and bolster security collabora-  
19               tion, coordination, and information sharing relating  
20               to securing international-inbound aviation between  
21               the United States and domestic and foreign part-  
22               ners, including U.S. Customs and Border Protection,  
23               foreign government entities, passenger air carriers,  
24               cargo air carriers, and United States Government  
25               entities, in order to enhance security capabilities at

1 foreign airports, including airports that may not  
2 have nonstop flights to the United States but are  
3 nonetheless determined by the Administrator to be  
4 high risk; and

5 (2) that includes an assessment of the ability of  
6 the TSA to enter into a mutual agreement with a  
7 foreign government entity that permits TSA rep-  
8 resentatives to conduct without prior notice inspec-  
9 tions of foreign airports.

10 (b) GAO REVIEW.—Not later than 180 days after the  
11 submission of the plan required under subsection (a), the  
12 Comptroller General of the United States shall review the  
13 efforts, capabilities, and effectiveness of the TSA to en-  
14 hance security capabilities at foreign airports and deter-  
15 mine if the implementation of such efforts and capabilities  
16 effectively secures international-inbound aviation.

17 **SEC. 3203. WORKFORCE ASSESSMENT.**

18 Not later than 270 days after the date of enactment  
19 of this Act, the Administrator shall submit to Congress  
20 a comprehensive workforce assessment of all TSA per-  
21 sonnel within the Office of Global Strategies of the TSA  
22 or whose primary professional duties contribute to the  
23 TSA's global efforts to secure transportation security, in-  
24 cluding a review of whether such personnel are assigned  
25 in a risk-based, intelligence-driven manner.

1   **SEC. 3204. DONATION OF SCREENING EQUIPMENT TO PRO-**  
2                   **TECT THE UNITED STATES.**

3           (a) IN GENERAL.—The Administrator is authorized  
4 to donate security screening equipment to a foreign last  
5 point of departure airport operator if such equipment can  
6 be reasonably expected to mitigate a specific vulnerability  
7 to the security of the United States or United States citi-  
8 zens.

9           (b) REPORT.—Not later than 30 days before any do-  
10 nation of security screening equipment pursuant to sub-  
11 section (a), the Administrator shall provide to the Com-  
12 mittee on Homeland Security of the House of Representa-  
13 tives and the Committee on Homeland Security and Gov-  
14 ernmental Affairs and the Committee on Commerce,  
15 Science, and Transportation of the Senate a detailed writ-  
16 ten explanation of the following:

17           (1) The specific vulnerability to the United  
18 States or United States citizens that will be miti-  
19 gated by such donation.

20           (2) An explanation as to why the recipient of  
21 such donation is unable or unwilling to purchase se-  
22 curity screening equipment to mitigate such vulner-  
23 ability.

24           (3) An evacuation plan for sensitive tech-  
25 nologies in case of emergency or instability in the  
26 country to which such donation is being made.

1           (4) How the Administrator will ensure the secu-  
2       rity screening equipment that is being donated is  
3       used and maintained over the course of its life by  
4       the recipient.

5           (5) The total dollar value of such donation.

6       **SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.**

7           (a) IN GENERAL.—The Administrator may evaluate  
8       foreign countries' air cargo security programs to deter-  
9       mine whether such programs provide a level of security  
10      commensurate with the level of security required by  
11      United States air cargo security programs.

12          (b) APPROVAL AND RECOGNITION.—

13           (1) IN GENERAL.—If the Administrator deter-  
14      mines that a foreign country's air cargo security  
15      program evaluated under subsection (a) provides a  
16      level of security commensurate with the level of secu-  
17      rity required by United States air cargo security  
18      programs, the Administrator shall approve and offi-  
19      cially recognize such foreign country's air cargo se-  
20      curity program.

21           (2) EFFECT OF APPROVAL AND RECOGNI-  
22      TION.—If the Administrator approves and officially  
23      recognizes pursuant to paragraph (1) a foreign  
24      country's air cargo security program, an aircraft  
25      transporting cargo that is departing such foreign

1 country shall not be required to adhere to United  
2 States air cargo security programs that would other-  
3 wise be applicable.

4 (c) REVOCATION AND SUSPENSION.—

5 (1) IN GENERAL.—If the Administrator deter-  
6 mines at any time that a foreign country's air cargo  
7 security program approved and officially recognized  
8 under subsection (b) no longer provides a level of se-  
9 curity commensurate with the level of security re-  
10 quired by United States air cargo security programs,  
11 the Administrator may revoke or temporarily sus-  
12 pend such approval and official recognition until  
13 such time as the Administrator determines that such  
14 foreign country's cargo security programs provide a  
15 level of security commensurate with the level of secu-  
16 rity required by such United States air cargo secu-  
17 rity programs.

18 (2) NOTIFICATION.—If the Administrator re-  
19 vokes or suspends pursuant to paragraph (1) a for-  
20 eign country's air cargo security program, the Ad-  
21 ministrator shall notify the Committee on Homeland  
22 Security of the House of Representatives and the  
23 Committee on Commerce, Science, and Transpor-  
24 tation of the Senate not later than 30 days after  
25 such revocation or suspension.

1 (d) APPLICATION.—This section shall apply irrespec-  
2 tive of whether cargo is transported on an aircraft of an  
3 air carrier, a foreign air carrier, a cargo carrier, or a for-  
4 eign cargo carrier.

5 **SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DE-**  
6 **VELOPMENT.**

7 (a) IN GENERAL.—The Administrator shall establish  
8 an international training and capacity development pro-  
9 gram to train the appropriate authorities of foreign gov-  
10 ernments in air transportation security.

11 (b) CONTENTS OF TRAINING.—If the Administrator  
12 determines that a foreign government would benefit from  
13 training and capacity development assistance pursuant to  
14 subsection (a), the Administrator may provide to the ap-  
15 propriate authorities of such foreign government technical  
16 assistance and training programs to strengthen aviation  
17 security in managerial, operational, and technical areas,  
18 including—

- 19 (1) active shooter scenarios;
- 20 (2) incident response;
- 21 (3) use of canines;
- 22 (4) mitigation of insider threats;
- 23 (5) perimeter security;
- 24 (6) operation and maintenance of security
- 25 screening technology; and

1 (7) recurrent related training and exercises.

2 **Subtitle C—Checkpoint**  
3 **Optimization and Efficiency**

4 **SEC. 3301. SENSE OF CONGRESS.**

5 It is the sense of Congress that airport checkpoint  
6 wait times should not take priority over the security of  
7 the aviation system of the United States.

8 **SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.**

9 (a) IN GENERAL.—Not later than 30 days after the  
10 date of the enactment of this Act, the Administrator shall  
11 complete an assessment of the TSA’s staffing allocation  
12 model to determine the necessary staffing positions at all  
13 airports in the United States at which the TSA operates  
14 passenger checkpoints.

15 (b) APPROPRIATE STAFFING.—The staffing alloca-  
16 tion model described in subsection (a) shall be based on  
17 necessary staffing levels to maintain minimal passenger  
18 wait times and maximum security effectiveness.

19 (c) ADDITIONAL RESOURCES.—In assessing nec-  
20 essary staffing for minimal passenger wait times and max-  
21 imum security effectiveness referred to in subsection (b),  
22 the Administrator shall include the use of canine explo-  
23 sives detection teams and technology to assist screeners  
24 conducting security checks.



1 (d) TRANSPARENCY.—The Administrator shall share  
2 with aviation security stakeholders the staffing allocation  
3 model described in subsection (a), as appropriate.

4 (e) EXCHANGE OF INFORMATION.—The Adminis-  
5 trator shall require each Federal Security Director to en-  
6 gage on a regular basis with the appropriate aviation secu-  
7 rity stakeholders to exchange information regarding air-  
8 port operations, including security operations.

9 (f) GAO REVIEW.—Not later than 180 days after the  
10 date of the enactment of this Act, the Comptroller General  
11 of the United States shall review the staffing allocation  
12 model described in subsection (a) and report to the Com-  
13 mittee on Homeland Security of the House of Representa-  
14 tives and the Committee on Commerce, Science, and  
15 Transportation of the Senate on the results of such review.

16 **SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RE-**  
17 **SOURCES.**

18 (a) IN GENERAL.—To the greatest extent practicable,  
19 the Administrator shall direct that Transportation Secu-  
20 rity Officers with appropriate certifications and training  
21 are assigned to passenger and baggage security screening  
22 functions and that other TSA personnel who may not have  
23 certification and training to screen passengers or baggage  
24 are utilized for tasks not directly related to security

1 screening, including restocking bins and providing instruc-  
2 tions and support to passengers in security lines.

3 (b) ASSESSMENT AND REASSIGNMENT.—The Admin-  
4 istrator shall conduct an assessment of headquarters per-  
5 sonnel and reassign appropriate personnel to assist with  
6 airport security screening activities on a permanent or  
7 temporary basis, as appropriate.

8 **SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.**

9 (a) IN GENERAL.—Not later than 30 days after the  
10 date of the enactment of this Act, the Administrator shall  
11 take the following actions:

12 (1) Utilize the TSA's Behavior Detection Offi-  
13 cers for passenger and baggage security screening,  
14 including the verification of traveler documents, par-  
15 ticularly at designated PreCheck Program lanes to  
16 ensure that such lanes are operational for use and  
17 maximum efficiency.

18 (2) Make every practicable effort to grant addi-  
19 tional flexibility and authority to Federal Security  
20 Directors in matters related to checkpoint and  
21 checked baggage staffing allocation and employee  
22 overtime in furtherance of maintaining minimal pas-  
23 senger wait times and maximum security effective-  
24 ness.

1           (3) Disseminate to aviation security stake-  
2           holders and appropriate TSA personnel a list of  
3           checkpoint optimization best practices.

4           (4) Request the Aviation Security Advisory  
5           Committee (established pursuant to section 44946 of  
6           title 49, United States Code) provide recommenda-  
7           tions on best practices for checkpoint security oper-  
8           ations optimization.

9           (b) STAFFING ADVISORY COORDINATION.—Not later  
10          than 30 days after the date of the enactment of this Act,  
11          the Administrator shall—

12           (1) direct each Federal Security Director to co-  
13           ordinate local representatives of aviation security  
14           stakeholders to establish a staffing advisory working  
15           group at each airport at which the TSA oversees or  
16           performs passenger security screening to provide  
17           recommendations to the Administrator on Transpor-  
18           tation Security Officer staffing numbers, for each  
19           such airport; and

20           (2) certify to the Committee on Homeland Se-  
21           curity of the House of Representatives and the Com-  
22           mittee on Commerce, Science, and Transportation of  
23           the Senate that such staffing advisory working  
24           groups have been established.

1 (c) REPORTING.—Not later than 60 days after the  
2 date of the enactment of this Act, the Administrator  
3 shall—

4 (1) report to the Committee on Homeland Se-  
5 curity of the House of Representatives and the Com-  
6 mittee on Commerce, Science, and Transportation of  
7 the Senate regarding how the TSA’s Passenger  
8 Screening Canine assets may be deployed and uti-  
9 lized for maximum efficiency to mitigate risk and  
10 optimize checkpoint operations; and

11 (2) report to the Committee on Homeland Se-  
12 curity of the House of Representatives and the Com-  
13 mittee on Commerce, Science, and Transportation of  
14 the Senate on the status of the TSA’s Credential  
15 Authentication Technology Assessment program and  
16 how deployment of such program might optimize  
17 checkpoint operations.

18 **SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.**

19 For purposes of this subtitle, the term “aviation secu-  
20 rity stakeholders” shall mean, at a minimum, air carriers,  
21 airport operators, and labor organizations representing  
22 Transportation Security Officers or, where applicable, con-  
23 tract screeners.

1 **SEC. 3306. RULE OF CONSTRUCTION.**

2 Nothing in this subtitle may be construed as author-  
3 izing or directing the Administrator to prioritize reducing  
4 wait times over security effectiveness.

5 **Subtitle D—Aviation Security**  
6 **Enhancement and Oversight**

7 **SEC. 3401. DEFINITIONS.**

8 In this subtitle:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term “appropriate congressional com-  
11 mittees” means—

12 (A) the Committee on Homeland Security  
13 of the House of Representatives;

14 (B) the Committee on Homeland Security  
15 and Governmental Affairs of the Senate; and

16 (C) the Committee on Commerce, Science,  
17 and Transportation of the Senate.

18 (2) ASAC.—The term “ASAC” means the  
19 Aviation Security Advisory Committee established  
20 under section 44946 of title 49, United States Code.

21 (3) SECRETARY.—The term “Secretary” means  
22 the Secretary of Homeland Security.

23 (4) SIDA.—The term “SIDA” means the Se-  
24 cure Identification Display Area as such term is de-  
25 fined in section 1540.5 of title 49, Code of Federal

1 Regulations, or any successor regulation to such sec-  
2 tion.

3 **SEC. 3402. THREAT ASSESSMENT.**

4 (a) INSIDER THREATS.—

5 (1) IN GENERAL.—Not later than 90 days after  
6 the date of the enactment of this Act, the Adminis-  
7 trator shall conduct or update an assessment to de-  
8 termine the level of risk posed to the domestic air  
9 transportation system by individuals with unescorted  
10 access to a secure area of an airport (as such term  
11 is defined in section 44903(j)(2)(H)) in light of re-  
12 cent international terrorist activity.

13 (2) CONSIDERATIONS.—In conducting or updat-  
14 ing the assessment under paragraph (1), the Admin-  
15 istrator shall consider—

16 (A) domestic intelligence;

17 (B) international intelligence;

18 (C) the vulnerabilities associated with  
19 unescorted access authority granted to domestic  
20 airport operators and air carriers, and their  
21 workers;

22 (D) the vulnerabilities associated with  
23 unescorted access authority granted to foreign  
24 airport operators and air carriers, and their  
25 workers;

1 (E) the processes and practices designed to  
2 mitigate the vulnerabilities associated with  
3 unescorted access privileges granted to airport  
4 operators and air carriers, and their workers;

5 (F) the recent security breaches at domes-  
6 tic and foreign airports; and

7 (G) the recent security improvements at  
8 domestic airports, including the implementation  
9 of recommendations made by relevant advisory  
10 committees, including the ASAC.

11 (b) REPORTS.—The Administrator shall submit to  
12 the appropriate congressional committees—

13 (1) a report on the results of the assessment  
14 under subsection (a), including any recommenda-  
15 tions for improving aviation security;

16 (2) a report on the implementation status of  
17 any recommendations made by the ASAC; and

18 (3) regular updates about the insider threat en-  
19 vironment as new information becomes available or  
20 as needed.

21 **SEC. 3403. OVERSIGHT.**

22 (a) ENHANCED REQUIREMENTS.—

23 (1) IN GENERAL.—Subject to public notice and  
24 comment, and in consultation with airport operators,  
25 the Administrator shall update the rules on access

1 controls issued by the Secretary under chapter 449  
2 of title 49, United States Code.

3 (2) CONSIDERATIONS.—As part of the update  
4 under paragraph (1), the Administrator shall con-  
5 sider—

6 (A) increased fines and advanced oversight  
7 for airport operators that report missing more  
8 than five percent of credentials for unescorted  
9 access to any SIDA of an airport;

10 (B) best practices for Category X airport  
11 operators that report missing more than three  
12 percent of credentials for unescorted access to  
13 any SIDA of an airport;

14 (C) additional audits and status checks for  
15 airport operators that report missing more than  
16 three percent of credentials for unescorted ac-  
17 cess to any SIDA of an airport;

18 (D) review and analysis of the prior five  
19 years of audits for airport operators that report  
20 missing more than three percent of credentials  
21 for unescorted access to any SIDA of an air-  
22 port;

23 (E) increased fines and direct enforcement  
24 requirements for both airport workers and their  
25 employers that fail to report within 24 hours an



1 employment termination or a missing credential  
2 for unescorted access to any SIDA of an air-  
3 port; and

4 (F) a method for termination by the em-  
5 ployer of any airport worker who fails to report  
6 in a timely manner missing credentials for  
7 unescorted access to any SIDA of an airport.

8 (b) TEMPORARY CREDENTIALS.—The Administrator  
9 may encourage the issuance by airports and aircraft oper-  
10 ators of free, one-time, 24-hour temporary credentials for  
11 workers who have reported, in a timely manner, their cre-  
12 dentials missing, but not permanently lost, stolen, or de-  
13 stroyed, until replacement of credentials under section  
14 1542.211 of title 49 Code of Federal Regulations is nec-  
15 essary.

16 (c) NOTIFICATION AND REPORT TO CONGRESS.—The  
17 Administrator shall—

18 (1) notify the appropriate congressional com-  
19 mittees each time an airport operator reports that  
20 more than three percent of credentials for  
21 unescorted access to any SIDA at a Category X air-  
22 port are missing, or more than five percent of cre-  
23 dentials to access any SIDA at any other airport are  
24 missing; and

1           (2) submit to the appropriate congressional  
2       committees an annual report on the number of viola-  
3       tions and fines related to unescorted access to the  
4       SIDA of an airport collected in the preceding fiscal  
5       year.

6   **SEC. 3404. CREDENTIALS.**

7       (a) **LAWFUL STATUS.**—Not later than 90 days after  
8       the date of the enactment of this Act, the Administrator  
9       shall issue to airport operators guidance regarding place-  
10      ment of an expiration date on each airport credential  
11      issued to a non-United States citizen that is not longer  
12      than the period of time during which such non-United  
13      States citizen is lawfully authorized to work in the United  
14      States.

15      (b) **REVIEW OF PROCEDURES.**—

16           (1) **IN GENERAL.**—Not later than 90 days after  
17      the date of the enactment of this Act, the Adminis-  
18      trator shall—

19           (A) issue guidance for transportation secu-  
20      rity inspectors to annually review the proce-  
21      dures of airport operators and air carriers for  
22      applicants seeking unescorted access to any  
23      SIDA of an airport; and

1 (B) make available to airport operators  
2 and air carriers information on identifying sus-  
3 picious or fraudulent identification materials.

4 (2) INCLUSIONS.—The guidance issued pursu-  
5 ant to paragraph (1) shall require a comprehensive  
6 review of background checks and employment au-  
7 thorization documents issued by United States Citi-  
8 zenship and Immigration Services during the course  
9 of a review of procedures under such paragraph.

10 **SEC. 3405. VETTING.**

11 (a) ELIGIBILITY REQUIREMENTS.—

12 (1) IN GENERAL.—Not later than 180 days  
13 after the date of the enactment of this Act, and sub-  
14 ject to public notice and comment, the Administrator  
15 shall revise the regulations issued under section  
16 44936 of title 49, United States Code, in accordance  
17 with this section and current knowledge of insider  
18 threats and intelligence under section 3502, to en-  
19 hance the eligibility requirements and disqualifying  
20 criminal offenses for individuals seeking or having  
21 unescorted access to any SIDA of an airport.

22 (2) DISQUALIFYING CRIMINAL OFFENSES.—In  
23 revising the regulations under paragraph (1), the  
24 Administrator shall consider adding to the list of  
25 disqualifying criminal offenses and criteria the of-

1 fenses and criteria listed in section 122.183(a)(4) of  
2 title 19, Code of Federal Regulations and section  
3 1572.103 of title 49, Code of Federal Regulations.

4 (3) WAIVER PROCESS FOR DENIED CREDEN-  
5 TIALS.—Notwithstanding section 44936(b) of title  
6 49, United States Code, in revising the regulations  
7 under paragraph (1) of this subsection, the Adminis-  
8 trator shall—

9 (A) ensure there exists or is developed a  
10 waiver process for approving the issuance of  
11 credentials for unescorted access to any SIDA  
12 of an airport for an individual found to be oth-  
13 erwise ineligible for such credentials; and

14 (B) consider, as appropriate and prac-  
15 ticable—

16 (i) the circumstances of any disquali-  
17 fying act or offense, restitution made by  
18 the individual, Federal and State mitiga-  
19 tion remedies, and other factors from  
20 which it may be concluded that the indi-  
21 vidual does not pose a terrorism risk or a  
22 risk to aviation security warranting denial  
23 of the credential; and

1 (ii) the elements of the appeals and  
2 waiver process established under section  
3 70105(c) of title 46, United States Code.

4 (4) LOOK BACK.—In revising the regulations  
5 under paragraph (1), the Administrator shall pro-  
6 pose that an individual be disqualified if the indi-  
7 vidual was convicted, or found not guilty by reason  
8 of insanity, of a disqualifying criminal offense within  
9 15 years before the date of an individual's applica-  
10 tion, or if the individual was incarcerated for such  
11 crime and released from incarceration within five  
12 years before the date of the individual's application.

13 (5) CERTIFICATIONS.—The Administrator shall  
14 require an airport or aircraft operator, as applicable,  
15 to certify for each individual who receives unescorted  
16 access to any SIDA of an airport that—

17 (A) a specific need exists for providing the  
18 individual with unescorted access authority; and

19 (B) the individual has certified to the air-  
20 port or aircraft operator that the individual un-  
21 derstands the requirements for possessing a  
22 SIDA badge.

23 (6) REPORT TO CONGRESS.—Not later than 90  
24 days after the date of the enactment of this Act, the  
25 Administrator shall submit to the appropriate con-

1       gressional committees a report on the status of the  
2       revision to the regulations issued under section  
3       44936 of title 49, United States Code, in accordance  
4       with this section.

5           (7) RULE OF CONSTRUCTION.—Nothing in this  
6       subsection may be construed to affect existing avia-  
7       tion worker vetting fees imposed by the TSA.

8       (b) RECURRENT VETTING.—

9           (1) IN GENERAL.—Not later than 90 days after  
10      the date of the enactment of this Act, the Adminis-  
11      trator and the Director of the Federal Bureau of In-  
12      vestigation shall fully implement the Rap Back serv-  
13      ice for recurrent vetting of eligible TSA-regulated  
14      populations of individuals with unescorted access to  
15      any SIDA of an airport.

16          (2) REQUIREMENTS.—As part of the require-  
17      ment in paragraph (1), the Administrator shall en-  
18      sure that—

19           (A) any status notifications the TSA re-  
20      ceives through the Rap Back service about  
21      criminal offenses be limited to only disquali-  
22      fying criminal offenses in accordance with the  
23      regulations promulgated by the TSA under sec-  
24      tion 44903 of title 49, United States Code, or  
25      other Federal law; and

1 (B) any information received by the Ad-  
2 ministration through the Rap Back service is  
3 provided directly and immediately to the rel-  
4 evant airport and aircraft operators.

5 (3) REPORT TO CONGRESS.—Not later than 30  
6 days after implementation of the Rap Back service  
7 described in paragraph (1), the Administrator shall  
8 submit to the appropriate congressional committees  
9 a report on the such implementation.

10 (c) ACCESS TO TERRORISM-RELATED DATA.—Not  
11 later than 30 days after the date of the enactment of this  
12 Act, the Administrator and the Director of National Intel-  
13 ligence shall coordinate to ensure that the Administrator  
14 is authorized to receive automated, real-time access to ad-  
15 ditional Terrorist Identities Datamart Environment  
16 (TIDE) data and any other terrorism-related category  
17 codes to improve the effectiveness of the TSA's credential  
18 vetting program for individuals who are seeking or have  
19 unescorted access to any SIDA of an airport.

20 (d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—  
21 Not later than 90 days after the date of the enactment  
22 of this Act, the Secretary shall authorize each airport op-  
23 erator to have direct access to the E-Verify program and  
24 the Systematic Alien Verification for Entitlements  
25 (SAVE) automated system to determine the eligibility of

1 individuals seeking unescorted access to any SIDA of an  
2 airport.

3 **SEC. 3406. METRICS.**

4 (a) IN GENERAL.—Not later than one year after the  
5 date of the enactment of this Act, the Administrator shall  
6 develop and implement performance metrics to measure  
7 the effectiveness of security for the SIDAs of airports.

8 (b) CONSIDERATIONS.—In developing the perform-  
9 ance metrics under subsection (a), the Administrator may  
10 consider—

- 11 (1) adherence to access point procedures;
- 12 (2) proper use of credentials;
- 13 (3) differences in access point requirements be-  
14 tween airport workers performing functions on the  
15 airside of an airport and airport workers performing  
16 functions in other areas of an airport;
- 17 (4) differences in access point characteristics  
18 and requirements at airports; and
- 19 (5) any additional factors the Administrator  
20 considers necessary to measure performance.

21 **SEC. 3407. INSPECTIONS AND ASSESSMENTS.**

22 (a) MODEL AND BEST PRACTICES.—Not later than  
23 180 days after the date of the enactment of this Act, the  
24 Administrator, in consultation with the ASAC, shall de-



1 develop a model and best practices for unescorted access se-  
2 curity that—

3 (1) use intelligence, scientific algorithms, and  
4 risk-based factors;

5 (2) ensure integrity, accountability, and control;

6 (3) subject airport workers to random physical  
7 security inspections conducted by TSA representa-  
8 tives in accordance with this section;

9 (4) appropriately manage the number of SIDA  
10 access points to improve supervision of and reduce  
11 unauthorized access to SIDs; and

12 (5) include validation of identification mate-  
13 rials, such as with biometrics.

14 (b) INSPECTIONS.—Consistent with a risk-based se-  
15 curity approach, the Administrator shall expand the use  
16 of transportation security officers and inspectors to con-  
17 duct enhanced, random and unpredictable, data-driven,  
18 and operationally dynamic physical inspections of airport  
19 workers in each SIDA of an airport and at each SIDA  
20 access point to—

21 (1) verify the credentials of such airport work-  
22 ers;

23 (2) determine whether such airport workers  
24 possess prohibited items, except for those items that  
25 may be necessary for the performance of such air-

1 port workers' duties, as appropriate, in any SIDA of  
2 an airport; and

3 (3) verify whether such airport workers are fol-  
4 lowing appropriate procedures to access any SIDA  
5 of an airport.

6 (c) SCREENING REVIEW.—

7 (1) IN GENERAL.—The Administrator shall con-  
8 duct a review of airports that have implemented ad-  
9 ditional airport worker screening or perimeter secu-  
10 rity to improve airport security, including—

11 (A) comprehensive airport worker screen-  
12 ing at access points to secure areas;

13 (B) comprehensive perimeter screening, in-  
14 cluding vehicles;

15 (C) enhanced fencing or perimeter sensors;  
16 and

17 (D) any additional airport worker screen-  
18 ing or perimeter security measures the Admin-  
19 istrator identifies.

20 (2) BEST PRACTICES.—After completing the re-  
21 view under paragraph (1), the Administrator shall—

22 (A) identify best practices for additional  
23 access control and airport worker security at  
24 airports; and

1 (B) disseminate to airport operators the  
2 best practices identified under subparagraph  
3 (A).

4 (3) PILOT PROGRAM.—The Administrator may  
5 conduct a pilot program at one or more airports to  
6 test and validate best practices for comprehensive  
7 airport worker screening or perimeter security under  
8 paragraph (2).

9 **SEC. 3408. COVERT TESTING.**

10 (a) IN GENERAL.—The Administrator shall increase  
11 the use of red-team, covert testing of access controls to  
12 any secure areas of an airport.

13 (b) ADDITIONAL COVERT TESTING.—The Inspector  
14 General of the Department of Homeland Security shall  
15 conduct red-team, covert testing of airport access controls  
16 to the SIDAs of airports.

17 (c) REPORTS TO CONGRESS.—

18 (1) ADMINISTRATOR REPORT.—Not later than  
19 90 days after the date of the enactment of this Act,  
20 the Administrator shall submit to the appropriate  
21 congressional committees a report on the progress to  
22 expand the use of inspections and of red-team, cov-  
23 ert testing under subsection (a).

24 (2) INSPECTOR GENERAL REPORT.—Not later  
25 than 180 days after the date of the enactment of

1       this Act, the Inspector General of the Department of  
2       Homeland Security shall submit to the appropriate  
3       congressional committees a report on the effective-  
4       ness of airport access controls to the SIDAs of air-  
5       ports based on red-team, covert testing under sub-  
6       section (b).

7   **SEC. 3409. SECURITY DIRECTIVES.**

8       (a) REVIEW.—Not later than 180 days after the date  
9       of the enactment of this Act and annually thereafter, the  
10      Administrator, in consultation with the appropriate regu-  
11      lated entities, shall conduct a comprehensive review of  
12      every current security directive addressed to any regulated  
13      entity to—

14           (1) determine whether each such security direc-  
15      tive continues to be relevant;

16           (2) determine whether such security directives  
17      should be streamlined or consolidated to most effi-  
18      ciently maximize risk reduction; and

19           (3) update, consolidate, or revoke any security  
20      directive as necessary.

21      (b) NOTICE.—For each security directive that the  
22      Administrator issues, the Administrator shall submit to  
23      the appropriate congressional committees notice of—

24           (1) the extent to which each such security direc-  
25      tive responds to a specific threat, security threat as-

1        sessment, or emergency situation against civil avia-  
2        tion; and

3            (2) when it is anticipated that each such secu-  
4        rity directive will expire.

5   **SEC. 3410. IMPLEMENTATION REPORT.**

6        Not later than one year after the date of the enact-  
7        ment of this Act, the Comptroller General of the United  
8        States shall—

9            (1) assess the progress made by the TSA and  
10        the effect on aviation security of implementing the  
11        requirements under sections 3402 through 3409 of  
12        this subtitle; and

13            (2) report to the appropriate congressional com-  
14        mittees on the results of the assessment under para-  
15        graph (1), including any recommendations.

16   **SEC. 3411. MISCELLANEOUS AMENDMENTS.**

17        (a) ASAC TERMS OF OFFICE.—Subparagraph (A) of  
18        section 44946(c)(2) of title 49, United States Code, is  
19        amended to read as follows:

20            “(A) TERMS.—The term of each member  
21        of the Advisory Committee shall be two years,  
22        but a member may continue to serve until a  
23        successor is appointed. A member of the Advi-  
24        sory Committee may be reappointed.”.

1 (b) FEEDBACK.—Paragraph (5) of section 44946(b)  
2 of title 49, United States Code, is amended by striking  
3 “paragraph (4)” and inserting “paragraph (2) or (4)”.

4 **Subtitle E—Checkpoints of the**  
5 **Future**

6 **SEC. 3501. CHECKPOINTS OF THE FUTURE.**

7 (a) IN GENERAL.—The Administrator, in accordance  
8 with chapter 449 of title 49, United States Code, shall  
9 request the Aviation Security Advisory Committee (estab-  
10 lished pursuant to section 44946 of such title) to develop  
11 recommendations for more efficient and effective pas-  
12 senger screening processes.

13 (b) CONSIDERATIONS.—In making recommendations  
14 to improve existing passenger screening processes, the  
15 Aviation Security Advisory Committee shall consider—

- 16 (1) the configuration of a checkpoint;  
17 (2) technology innovation;  
18 (3) ways to address any vulnerabilities identi-  
19 fied in audits of checkpoint operations;  
20 (4) ways to prevent security breaches at air-  
21 ports at which Federal security screening is pro-  
22 vided;  
23 (5) best practices in aviation security;

1           (6) recommendations from airports and aircraft  
2       operators, and any relevant advisory committees;  
3       and

4           (7) “curb to curb” processes and procedures.

5       (c) REPORT.—Not later than one year after the date  
6 of enactment of this Act, the Administrator shall submit  
7 to the Committee on Homeland Security of the House of  
8 Representatives and the Committee on Homeland Security  
9 and Governmental Affairs and the Committee on Com-  
10 merce, Science, and Transportation of the Senate a report  
11 on the results of the Aviation Security Advisory Com-  
12 mittee review under this section, including any rec-  
13 ommendations for improving passenger screening proc-  
14 esses.

15 **SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY**  
16 **AND SECURITY AT CATEGORY X AIRPORTS.**

17       (a) IN GENERAL.—The Administrator shall establish  
18 a pilot program at at least three and not more than six  
19 airports to reconfigure and install security systems that  
20 increase efficiency and reduce vulnerabilities in airport  
21 terminals, particularly at airports that have large open  
22 areas at which screening is conducted.

23       (b) SELECTION OF AIRPORTS.—In selecting airports  
24 for the pilot program established under subsection (a), the  
25 Administrator shall—

1           (1) select airports from among airports classi-  
2           fied by the TSA as Category X airports and that are  
3           able to begin the reconfiguration and installation of  
4           security systems expeditiously; and

5           (2) give priority to an airport that—

6                 (A) submits a proposal that seeks Federal  
7                 funding for reconfiguration of such airport's se-  
8                 curity systems;

9                 (B) has the space needed to reduce  
10                vulnerabilities and reconfigure existing security  
11                systems; and

12                (C) is able to enter into a cost-sharing ar-  
13                rangement with the TSA under which such air-  
14                port will provided funding towards the cost of  
15                such pilot program.

16 **SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND**  
17 **TESTING OF PROTOTYPES FOR AIRPORT SE-**  
18 **CURITY SYSTEMS.**

19           (a) IN GENERAL.—The Administrator shall establish  
20           a pilot program at three airports to develop and test proto-  
21           types of screening security systems and security check-  
22           point configurations that are intended to expedite the  
23           movement of passengers by deploying a range of tech-  
24           nologies, including passive and active systems, new types  
25           of security baggage and personal screening systems, and



1 new systems to review and address passenger and baggage  
2 anomalies.

3 (b) SELECTION OF AIRPORTS.—In selecting airports  
4 for the pilot program established under subsection (a), the  
5 Administrator shall—

6 (1) select airports from among airports classi-  
7 fied by the TSA as Category X airports that are  
8 able to begin the reconfiguration and installation of  
9 security systems expeditiously;

10 (2) consider detection capabilities; and

11 (3) give priority to an airport that—

12 (A) submits a proposal that seeks Federal  
13 funding to test prototypes for new airport secu-  
14 rity systems;

15 (B) has the space needed to reduce  
16 vulnerabilities and reconfigure existing security  
17 systems; and

18 (C) is able to enter into a cost-sharing ar-  
19 rangement with the TSA under which such air-  
20 port will provided funding towards the cost of  
21 such pilot program.

22 **SEC. 3504. REPORT REQUIRED.**

23 Not later than 90 days after the date of the enact-  
24 ment of this Act, the Administrator shall submit to the  
25 Committee on Homeland Security of the House of Rep-

1 representatives and the Committee on Homeland Security  
2 and Governmental Affairs and the Committee on Com-  
3 merce, Science, and Transportation of the Senate and a  
4 report on the pilot programs established under sections  
5 3502 and 3503 of this subtitle.

6 **SEC. 3505. FUNDING.**

7       The Administrator shall carry out the pilot programs  
8 established under sections 3502 and 3503 of this subtitle  
9 using amounts—

10           (1) appropriated to the TSA before the date of  
11 the enactment of this Act and available for obliga-  
12 tion as of such date of enactment; and

13           (2) amounts obtained as reimbursements from  
14 airports under such pilot programs.

15 **SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES**

16                   **BY THE TRANSPORTATION SECURITY ADMIN-**  
17                   **ISTRATION.**

18       The Administrator, in carrying out the functions of  
19 the pilot programs established under sections 3502 and  
20 3503 of this subtitle, may accept services, supplies, equip-  
21 ment, personnel, or facilities, without reimbursement,  
22 from any other public or private entity.

1                   **Subtitle F—Miscellaneous**  
2                                   **Provisions**

3   **SEC. 3601. VISIBLE DETERRENT.**

4           Section 1303 of the Implementing Recommendations  
5 of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is  
6 amended—

7                   (1) in subsection (a)—

8                           (A) in paragraph (3), by striking “and” at  
9 the end;

10                          (B) in paragraph (4), by striking the pe-  
11 riod at the end and inserting “; and”; and

12                          (C) by adding at the end the following new  
13 paragraph:

14                   “(5) shall require, as appropriate based on risk,  
15 in the case of a VIPR team deployed to an airport,  
16 that the VIPR team conduct operations—

17                           “(A) in the sterile area and any other  
18 areas to which only individuals issued security  
19 credentials have unescorted access; and

20                           “(B) in nonsterile areas.”; and

21                   (2) in subsection (b), by striking “such sums as  
22 necessary for fiscal years 2007 through 2011” and  
23 inserting “such sums as necessary, including funds  
24 to develop not more than 60 VIPR teams, for fiscal  
25 years 2016 through 2018”.

1   **SEC. 3602. LAW ENFORCEMENT TRAINING FOR MASS CAS-**  
2                   **UALTY AND ACTIVE SHOOTER INCIDENTS.**

3           Paragraph (2) of section 2006(a) of the Homeland  
4   Security Act of 2002 (6 U.S.C. 607(a)) is amended—

5           (1) by redesignating subparagraphs (E)  
6           through (I) as subparagraphs (F) through (J), re-  
7           spectively; and

8           (2) by inserting after subparagraph (D) the fol-  
9           lowing new subparagraph:

10                   “(E) training exercises to enhance pre-  
11                   paredness for and response to mass casualty  
12                   and active shooter incidents and security events  
13                   at public locations, including airports and mass  
14                   transit systems;”.

15   **SEC. 3603. ASSISTANCE TO AIRPORTS AND SURFACE**  
16                   **TRANSPORTATION SYSTEMS.**

17           Subsection (a) of section 2008 of the Homeland Secu-  
18   rity Act of 2002 (6 U.S.C. 609) is amended—

19           (1) by redesignating paragraphs (9) through  
20           (13) as paragraphs (10) through (14), respectively;  
21           and

22           (2) by inserting after paragraph (8) the fol-  
23           lowing new paragraph:

24                   “(9) enhancing the security and preparedness  
25                   of secure and nonsecure areas of eligible airports  
26                   and surface transportation systems;”.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: “To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.”.